S T A T E O F N E W Y O R K

2628

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. ORTIZ, P. RIVERA -- Multi-Sponsored by -- M. of A. MAYERSOHN, J. RIVERA -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to students' body mass index analyses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new section 920 to read as follows:

S 920. BODY MASS INDEX ANALYSIS AND REPORT. 1. SCHOOLS SHALL ANNUALLY MEASURE THE HEIGHT AND WEIGHT OF EVERY PUPIL TO ANALYZE EACH PUPIL'S BODY MASS INDEX PERCENTILE BY AGE AND USE THE RESULTS OF SUCH ANALYSIS TO FURNISH A REPORT OR LETTER TO THE PUPIL'S PARENTS OR LEGAL GUARDIANS CONTAINING THE PERCENTILE INFORMATION, AN EXPLANATION OF THE RESULTS, GENERAL ADVICE ABOUT WHAT ACTIONS, IF NECESSARY, SHOULD BE TAKEN BY THE PARENTS OR GUARDIANS AS A RESULT OF THE PUPIL'S BODY MASS INDEX, AND RESOURCE INFORMATION FOR NUTRITION AND PHYSICAL ACTIVITY INFORMATION AND SERVICES.

2. THE COMMISSIONER, IN COOPERATION WITH THE COMMISSIONER OF HEALTH SHALL DEVELOP REGULATIONS FOR THE MEASUREMENT, ANALYSIS, AND REPORTING OF PUPILS BODY MASS INDEX, INCLUDING BUT NOT LIMITED TO, PROTECTING THE CONFIDENTIALITY OF THE PUPIL AND THEIR PARENTS OR LEGAL GUARDIANS, PROVIDED HOWEVER, THAT THE AGGREGATE OF BODY MASS INDEX ANALYSIS FOR AN ENTIRE SCHOOL OR SCHOOL DISTRICT POPULATION SHALL BE MADE AVAILABLE TO THE PUBLIC ON AN ANNUAL BASIS.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately the amendment, addition, and/or repeal of any regulation necessary for the timely implementation of this act on its effective date is authorized and directed to be made on or before such effective date.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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