

2337

2013-2014 Regular Sessions

I N A S S E M B L Y

January 14, 2013

Introduced by M. of A. RODRIGUEZ -- read once and referred to the
Committee on Education

AN ACT to amend the education law, in relation to screening of students
for eating disorders

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

1 Section 1. Subdivision 1 of section 903 of the education law, as separately amended by section 11 of part B of chapter 58 and chapter 281 of
2 the laws of 2007, is amended to read as follows:
3
4 1. A health certificate shall be furnished by each student in the
5 public schools upon his or her entrance in such schools and upon his or
6 her entry into the grades prescribed by the commissioner in regulations,
7 provided that such regulations shall require such certificates at least
8 twice during the elementary grades and twice in the secondary grades. An
9 examination and health history of any child may be required by the local
10 school authorities at any time in their discretion to promote the educational
11 interests of such child. Each certificate shall be signed by a
12 duly licensed physician, physician assistant, or nurse practitioner, who
13 is authorized by law to practice in this state, and consistent with any
14 applicable written practice agreement, or by a duly licensed physician,
15 physician assistant, or nurse practitioner, who is authorized to practice
16 in the jurisdiction in which the examination was given, provided
17 that the commissioner has determined that such jurisdiction has standards
18 of licensure and practice comparable to those of New York. Each
19 such certificate shall describe the condition of the student when the
20 examination was made, which shall not be more than twelve months prior
21 to the commencement of the school year in which the examination is
22 required, and shall state whether such student is in a fit condition of
23 health to permit his or her attendance at the public schools. Each such
24 certificate shall also state the student's body mass index (BMI) and
25 weight status category. For purposes of this section, BMI is computed

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

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1 as the weight in kilograms divided by the square of height in meters or
2 the weight in pounds divided by the square of height in inches multi-
3 plied by a conversion factor of 703. Weight status categories for chil-
4 dren and adolescents shall be as defined by the commissioner of health.
5 FURTHERMORE, EACH SUCH CERTIFICATE SHALL INCLUDE AN ASSESSMENT OF THE
6 STUDENT FOR EATING DISORDERS. SUCH ASSESSMENT SHALL BE CONDUCTED PURSU-
7 ANT TO STANDARDS ESTABLISHED BY THE COMMISSIONER OF HEALTH. In all
8 school districts such physician, physician assistant or nurse practi-
9 tioner shall determine whether a one-time test for sickle cell anemia is
10 necessary or desirable and he or she shall conduct such a test and the
11 certificate shall state the results.

12 S 2. Subdivision 1 of section 904 of the education law, as amended by
13 section 12 of part B of chapter 58 of the laws of 2007, is amended to
14 read as follows:

15 1. Each principal of a public school, or his or her designee, shall
16 report to the director of school health services having jurisdiction
17 over such school, the names of all students who have not furnished
18 health certificates as provided in section nine hundred three of this
19 article, or who are children with disabilities, as defined by article
20 eighty-nine of this chapter, and the director of school health services
21 shall cause such students to be separately and carefully examined and
22 tested to ascertain whether any student has defective sight or hearing,
23 AN EATING DISORDER, or any other physical disability which may tend to
24 prevent him or her from receiving the full benefit of school work, or
25 from requiring a modification of such work to prevent injury to the
26 student or from receiving the best educational results. Each examina-
27 tion shall also include a calculation of the student's body mass index
28 (BMI) and weight status category. For purposes of this section, BMI is
29 computed as the weight in kilograms divided by the square of height in
30 meters or the weight in pounds divided by the square of height in inches
31 multiplied by a conversion factor of 703. Weight status categories for
32 children and adolescents shall be as defined by the commissioner of
33 health. In all school districts, such physician, physician assistant or
34 nurse practitioner shall determine whether a one-time test for sickle
35 cell anemia is necessary or desirable and he or she shall conduct such
36 tests and the certificate shall state the results. If it should be
37 ascertained, upon such test or examination, that any of such students
38 have defective sight or hearing, AN EATING DISORDER, or other physical
39 disability, including sickle cell anemia, as above described, the prin-
40 cipal or his or her designee shall notify the parents of, or other
41 persons in parental relation to, the child as to the existence of such
42 disability OR DISORDER. If the parents or other persons in parental
43 relation are unable or unwilling to provide the necessary relief and
44 treatment for such students, such fact shall be reported by the princi-
45 pal or his or her designee to the director of school health services,
46 whose duty it shall be to provide relief for such students. Each school
47 and school district chosen as part of an appropriate sampling methodol-
48 ogy shall participate in surveys directed by the commissioner of health
49 pursuant to the public health law in relation to students' BMI and
50 weight status categories as determined by the examination conducted
51 pursuant to this section and which shall be subject to audit by the
52 commissioner of health. Such surveys shall contain the information
53 required pursuant to this subdivision in relation to students' BMI and
54 weight status categories in aggregate. Parents or other persons in
55 parental relation to a student may refuse to have the student's BMI and
56 weight status category included in such survey. Each school and school

1 district shall provide the commissioner of health with any information,
2 records and reports he or she may require for the purpose of such audit.
3 The BMI and weight status survey and audit as described in this section
4 shall be conducted consistent with confidentiality requirements imposed
5 by federal law. Data collection for such surveys shall commence on a
6 voluntary basis at the beginning of the two thousand seven academic
7 school year, and by all schools chosen as part of the sampling methodol-
8 ogy at the beginning of the two thousand eight academic school year. The
9 department shall also utilize the collected data to develop a report of
10 child obesity and obesity related diseases.

11 S 3. This act shall take effect on the first of July next succeeding
12 the date on which it shall have become a law, provided that, effective
13 immediately, any rules and regulations necessary to implement the
14 provisions of this act on its effective date are authorized and directed
15 to be completed on or before such date.