

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed 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 sepa-  
2     rately amended by section 11 of part B of chapter 58 and chapter 281 of  
3     the laws of 2007, is amended to read as follows:  
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 educa-  
11    tional 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 prac-  
16    tice in the jurisdiction in which the examination was given, provided  
17    that the commissioner has determined that such jurisdiction has stand-  
18    ards 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

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

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

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

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

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

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