

758--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

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Introduced by M. of A. RODRIGUEZ, MOSLEY, DUPREY, LINARES, MILLER, ARROYO -- Multi-Sponsored by -- M. of A. RIVERA, SIMON -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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  
2 amended by chapter 376 of the laws of 2015, is amended to read as  
3 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  
14 subdivision three of section six thousand nine hundred two of this chap-  
15 ter, or by a duly licensed physician, physician assistant, or nurse  
16 practitioner, who is authorized to practice in the jurisdiction in which  
17 the examination was given, provided that the commissioner has determined  
18 that such jurisdiction has standards of licensure and practice compara-  
19 ble to those of New York. Each such certificate shall describe the  
20 condition of the student when the examination was made, which shall not  
21 be more than twelve months prior to the commencement of the school year

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

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1 in which the examination is required, and shall state whether such  
2 student is in a fit condition of health to permit his or her attendance  
3 at the public schools. Each such certificate shall also state the  
4 student's body mass index (BMI) and weight status category. For purposes  
5 of this section, BMI is computed as the weight in kilograms divided by  
6 the square of height in meters or the weight in pounds divided by the  
7 square of height in inches multiplied by a conversion factor of 703.  
8 Weight status categories for children and adolescents shall be as  
9 defined by the commissioner of health. FURTHERMORE, EACH SUCH CERTIF-  
10 ICATE SHALL INCLUDE AN ASSESSMENT OF THE STUDENT FOR EATING DISORDERS.  
11 SUCH ASSESSMENT SHALL BE CONDUCTED PURSUANT TO STANDARDS ESTABLISHED BY  
12 THE COMMISSIONER OF HEALTH. In all school districts such physician,  
13 physician assistant or nurse practitioner shall determine whether a  
14 one-time test for sickle cell anemia is necessary or desirable and he or  
15 she shall conduct such a test and the certificate shall state the  
16 results.

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

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

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

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