

STATE OF NEW YORK

3244--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

Introduced by M. of A. CUSICK -- 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 requiring heart examinations for students

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
22 in which the examination is required, and shall state whether such

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

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1 student is in a fit condition of health to permit his or her attendance
2 at the public schools. Each such certificate shall also state the
3 student's body mass index (BMI) and weight status category. For purposes
4 of this section, BMI is computed as the weight in kilograms divided by
5 the square of height in meters or the weight in pounds divided by the
6 square of height in inches multiplied by a conversion factor of 703.
7 Weight status categories for children and adolescents shall be as
8 defined by the commissioner of health. Each such certificate shall also
9 state that the student has undergone a heart test such as an electrocar-
10 diogram, and state whether the student is fit to participate in physical
11 education or other physical or athletic activities. In all school
12 districts such physician, physician assistant or nurse practitioner
13 shall determine whether a one-time test for sickle cell anemia is neces-
14 sary or desirable and he or she shall conduct such a test and the
15 certificate shall state the results.

16 § 2. Subdivision 1 of section 903 of the education law, as amended by
17 chapter 183 of the laws of 2017, is amended to read as follows:

18 1. A health certificate shall be furnished by each student in the
19 public schools upon his or her entrance in such schools and upon his or
20 her entry into the grades prescribed by the commissioner in regulations,
21 provided that such regulations shall require such certificates at least
22 twice during the elementary grades and twice in the secondary grades. An
23 examination and health history of any child may be required by the local
24 school authorities at any time in their discretion to promote the educa-
25 tional interests of such child. Each certificate shall be signed by a
26 duly licensed physician, physician assistant, or nurse practitioner, who
27 is authorized by law to practice in this state, and consistent with
28 subdivision three of section six thousand nine hundred two of this chap-
29 ter, or by a duly licensed physician, physician assistant, or nurse
30 practitioner, who is authorized to practice in the jurisdiction in which
31 the examination was given, provided that the commissioner has determined
32 that such jurisdiction has standards of licensure and practice compara-
33 ble to those of New York. Each such certificate shall describe the
34 condition of the student when the examination was made, which shall not
35 be more than twelve months prior to the commencement of the school year
36 in which the examination is required, and shall state whether such
37 student is in a fit condition of health to permit his or her attendance
38 at the public schools. The examination may include a diabetes risk anal-
39 ysis. Each such certificate shall also state the student's body mass
40 index (BMI) and weight status category. For purposes of this section,
41 BMI is computed as the weight in kilograms divided by the square of
42 height in meters or the weight in pounds divided by the square of height
43 in inches multiplied by a conversion factor of 703. Weight status cate-
44 gories for children and adolescents shall be as defined by the commis-
45 sioner of health. Each certificate shall also state that the student has
46 undergone a heart test such as an electrocardiogram, and state whether
47 the student is fit to participate in physical education or other phys-
48 ical or athletic activities. In all school districts such physician,
49 physician assistant or nurse practitioner shall determine whether a
50 one-time test for sickle cell anemia is necessary or desirable and he or
51 she shall conduct such a test and the certificate shall state the
52 results.

53 § 3. This act shall take effect immediately; provided that section two
54 of this act shall take effect on the same date and in the same manner as
55 chapter 183 of the laws of 2017, takes effect.