

STATE OF NEW YORK

5151

2017-2018 Regular Sessions

IN ASSEMBLY

February 6, 2017

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

AN ACT to amend the education law, in relation to authorizing the screening for childhood obesity and instruction in good health and reducing the incidence of obesity

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 901 of the education law, as amended by chapter 477
2 of the laws of 2004, subdivision 1 as amended by section 57 of part A-1
3 of chapter 58 of the laws of 2006, is amended to read as follows:

4 § 901. School health services to be provided. 1. School health
5 services, as defined in subdivision two of this section, shall be
6 provided by each school district for all students attending the public
7 schools in this state, except in the city school district of the city of
8 New York, as provided in this article. School health services shall
9 include the services of a registered professional nurse, if one is
10 employed, and shall also include such services as may be rendered as
11 provided in this article in examining students for the existence of
12 disease or disability, or may include services related to examining for
13 childhood obesity based upon the calculation of each student's body mass
14 index and weight status category pursuant to section nine hundred four
15 of this article, and in testing the eyes and ears of such students.

16 2. School health services for the purposes of this article shall mean
17 the several procedures, including, but not limited to, medical examina-
18 tions, dental inspection and/or screening, scoliosis screening, vision
19 screening [~~and~~], audiometer tests, and may include childhood obesity as
20 measured by body mass index and weight status category, designed to
21 determine the health status of the child; to inform parents or other
22 persons in parental relation to the child, pupils and teachers of the
23 individual child's health condition subject to federal and state confi-
24 dentiality laws; to guide parents, children and teachers in procedures

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

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1 for preventing and correcting defects [~~and~~], diseases and childhood
2 obesity conditions; to instruct the school personnel in procedures to
3 take in case of accident or illness; to survey and make necessary recom-
4 mendations concerning the health and safety aspects of school facilities
5 and the provision of health information.

6 § 2. Subdivision 1 of section 903 of the education law, as amended by
7 chapter 376 of the laws of 2015, is amended to read as follows:

8 1. A health certificate shall be furnished by each student in the
9 public schools upon his or her entrance in such schools and upon his or
10 her entry into the grades prescribed by the commissioner in regulations,
11 provided that such regulations shall require such certificates at least
12 twice during the elementary grades and twice in the secondary grades. An
13 examination and health history of any child may be required by the local
14 school authorities at any time in their discretion to promote the educa-
15 tional interests of such child. Each certificate shall be signed by a
16 duly licensed physician, physician assistant, or nurse practitioner, who
17 is authorized by law to practice in this state, and consistent with
18 subdivision three of section six thousand nine hundred two of this chap-
19 ter, or by a duly licensed physician, physician assistant, or nurse
20 practitioner, who is authorized to practice in the jurisdiction in which
21 the examination was given, provided that the commissioner has determined
22 that such jurisdiction has standards of licensure and practice compara-
23 ble to those of New York. Each such certificate shall describe the
24 condition of the student when the examination was made, which shall not
25 be more than twelve months prior to the commencement of the school year
26 in which the examination is required, and shall state whether such
27 student is in a fit condition of health to permit his or her attendance
28 at the public schools. The examination may include a diabetes risk
29 analysis and, if necessary, children with risk factors for type 1
30 diabetes, or risk factors associated with type 2 diabetes such as obesi-
31 ty, a family history of type 2 diabetes, or any other factors consistent
32 with increased risk may also be tested for diabetes. Each such certifi-
33 cate shall also state the student's body mass index (BMI) and weight
34 status category. For purposes of this section, BMI is computed as the
35 weight in kilograms divided by the square of height in meters or the
36 weight in pounds divided by the square of height in inches multiplied by
37 a conversion factor of 703. Weight status categories for children and
38 adolescents shall be as defined by the commissioner of health. In all
39 school districts such physician, physician assistant or nurse practi-
40 tioner shall determine whether a one-time test for sickle cell anemia is
41 necessary or desirable and he or she shall conduct such a test and the
42 certificate shall state the results.

43 § 3. Subdivisions 4 and 5 of section 918 of the education law, as
44 added by chapter 493 of the laws of 2004, are amended to read as
45 follows:

46 4. The committee is encouraged to study and make recommendations on
47 all facets of the current nutritional policies of the district includ-
48 ing, but not limited to, the goals of the district to promote health and
49 proper nutrition, reduce the incidence of childhood obesity, vending
50 machine sales, menu criteria, educational curriculum teaching healthy
51 nutrition, and educational information provided to parents or guardians
52 regarding healthy nutrition and the health risks associated with obesi-
53 ty, asthma, chronic bronchitis and other chronic respiratory diseases.
54 Provided, further, the committee may provide information to persons in
55 parental relation on opportunities offered to parents or guardians to
56 encourage healthier eating habits to students, and the education

1 provided to teachers and other staff as to the importance of healthy
2 nutrition and about the dangers of childhood obesity. In addition the
3 committee shall consider recommendations and practices of other
4 districts and nutrition studies.

5 5. The committee is encouraged to report periodically to the district
6 regarding practices that will educate teachers, parents or guardians and
7 children about healthy nutrition and raise awareness of the dangers of
8 childhood obesity, asthma, chronic bronchitis and other chronic respir-
9 atory diseases. The committee is encouraged also to provide any parent
10 teacher associations in the district with such findings and recommenda-
11 tions.

12 § 4. Subdivision 1 of section 804-a of the education law, as added by
13 chapter 730 of the laws of 1986, is amended to read as follows:

14 1. Within the amounts appropriated, the commissioner is hereby
15 authorized to establish a demonstration program and to distribute state
16 funds to local school districts, boards of cooperative educational
17 services and in certain instances community school districts, for the
18 development, implementation, evaluation, validation, demonstration and
19 replication of exemplary comprehensive health education programs to
20 assist the public schools in developing curricula, training staff, and
21 addressing local health education needs of students, parents, and staff.
22 Such programs may serve the purpose of developing and enhancing pupils'
23 health knowledge, skills, attitudes and behaviors, which is fundamental
24 to improving their health status and academic performance, as well as
25 reducing the incidence of adolescent pregnancy, alcohol abuse, tobacco
26 abuse, truancy, suicide, substance abuse, obesity, asthma, other chronic
27 respiratory diseases, and other problems of childhood and adolescence.

28 § 5. This act shall take effect immediately, except that sections one,
29 two and three of this act shall take effect two years after this act
30 shall have become a law.