

# STATE OF NEW YORK

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4455

2019-2020 Regular Sessions

## IN ASSEMBLY

February 4, 2019

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

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  
23 student is in a fit condition of health to permit his or her attendance  
24 at the public schools. Each such certificate shall also state the  
25 student's body mass index (BMI) and weight status category. For purposes  
26 of this section, BMI is computed as the weight in kilograms divided by  
27 the square of height in meters or the weight in pounds divided by the  
28 square of height in inches multiplied by a conversion factor of 703.

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

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1 Weight status categories for children and adolescents shall be as  
2 defined by the commissioner of health. Each such certificate shall also  
3 state that the student has undergone a heart test such as an electrocar-  
4 diogram, and state whether the student is fit to participate in physical  
5 education or other physical or athletic activities. In all school  
6 districts such physician, physician assistant or nurse practitioner  
7 shall determine whether a one-time test for sickle cell anemia is neces-  
8 sary or desirable and he or she shall conduct such a test and the  
9 certificate shall state the results.

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

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

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