

STATE OF NEW YORK

415

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. LANZA -- 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 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

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

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

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

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

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