

# STATE OF NEW YORK

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4510

2019-2020 Regular Sessions

## IN SENATE

March 13, 2019

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Introduced by Sen. PARKER -- 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 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  
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

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

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1 of this section, BMI is computed as the weight in kilograms divided by  
2 the square of height in meters or the weight in pounds divided by the  
3 square of height in inches multiplied by a conversion factor of 703.  
4 Weight status categories for children and adolescents shall be as  
5 defined by the commissioner of health. Furthermore, each such certifi-  
6 cate shall include an assessment of the student for eating disorders.  
7 Such assessment shall be conducted pursuant to standards established by  
8 the commissioner of health. In all school districts such physician,  
9 physician assistant or nurse practitioner shall determine whether a  
10 one-time test for sickle cell anemia is necessary or desirable and he or  
11 she shall conduct such a test and the certificate shall state the  
12 results.

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

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

49 § 3. Subdivision 1 of section 904 of the education law, as amended by  
50 section 12 of part B of chapter 58 of the laws of 2007, is amended to  
51 read as follows:

52 1. Each principal of a public school, or his or her designee, shall  
53 report to the director of school health services having jurisdiction  
54 over such school, the names of all students who have not furnished  
55 health certificates as provided in section nine hundred three of this  
56 article, or who are children with disabilities, as defined by article

eighty-nine of this chapter, and the director of school health services shall cause such students to be separately and carefully examined and tested to ascertain whether any student has defective sight or hearing, an eating disorder, or any other physical disability which may tend to prevent him or her from receiving the full benefit of school work, or from requiring a modification of such work to prevent injury to the student or from receiving the best educational results. Each examination shall also include a calculation of the student's body mass index (BMI) and weight status category. For purposes of this section, BMI is computed as the weight in kilograms divided by the square of height in meters or the weight in pounds divided by the square of height in inches multiplied by a conversion factor of 703. Weight status categories for children and adolescents shall be as defined by the commissioner of health. In all school districts, such physician, physician assistant or nurse practitioner shall determine whether a one-time test for sickle cell anemia is necessary or desirable and he or she shall conduct such tests and the certificate shall state the results. If it should be ascertained, upon such test or examination, that any of such students have defective sight or hearing, an eating disorder, or other physical disability, including sickle cell anemia, as above described, the principal or his or her designee shall notify the parents of, or other persons in parental relation to, the child as to the existence of such disability or disorder. If the parents or other persons in parental relation are unable or unwilling to provide the necessary relief and treatment for such students, such fact shall be reported by the principal or his or her designee to the director of school health services, whose duty it shall be to provide relief for such students. Each school and school district chosen as part of an appropriate sampling methodology shall participate in surveys directed by the commissioner of health pursuant to the public health law in relation to students' BMI and weight status categories as determined by the examination conducted pursuant to this section and which shall be subject to audit by the commissioner of health. Such surveys shall contain the information required pursuant to this subdivision in relation to students' BMI and weight status categories in aggregate. Parents or other persons in parental relation to a student may refuse to have the student's BMI and weight status category included in such survey. Each school and school district shall provide the commissioner of health with any information, records and reports he or she may require for the purpose of such audit. The BMI and weight status survey and audit as described in this section shall be conducted consistent with confidentiality requirements imposed by federal law. Data collection for such surveys shall commence on a voluntary basis at the beginning of the two thousand seven academic school year, and by all schools chosen as part of the sampling methodology at the beginning of the two thousand eight academic school year. The department shall also utilize the collected data to develop a report of child obesity and obesity related diseases.

§ 4. This act shall take effect on the first of July next succeeding the date on which it shall have become a law; provided that section two of this act shall take effect on the same date and in the same manner as chapter 183 of the laws of 2017. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.