

STATE OF NEW YORK

5225

2023-2024 Regular Sessions

IN SENATE

February 27, 2023

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 183 of the laws of 2017, 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. The examination may include a diabetes risk anal-
25 ysis. Each such certificate shall also state the student's body mass

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

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1 index (BMI) and weight status category. For purposes of this section,
2 BMI is computed as the weight in kilograms divided by the square of
3 height in meters or the weight in pounds divided by the square of height
4 in inches multiplied by a conversion factor of 703. Weight status cate-
5 gories for children and adolescents shall be as defined by the commis-
6 sioner of health.

7 Furthermore, each such certificate shall include an
8 assessment of the student for eating disorders. Such assessment shall be
9 conducted pursuant to standards established by the commissioner of
10 health.

11 In all school districts such physician, physician assistant or
12 nurse practitioner shall determine whether a one-time test for sickle
13 cell anemia is necessary or desirable and he or she shall conduct such a
14 test and the certificate shall state the results.

15 § 2. Subdivision 1 of section 904 of the education law, as amended by
16 section 12 of part B of chapter 58 of the laws of 2007, is amended to
17 read as follows:

18 1. Each principal of a public school, or his or her designee, shall
19 report to the director of school health services having jurisdiction
20 over such school, the names of all students who have not furnished
21 health certificates as provided in section nine hundred three of this
22 article, or who are children with disabilities, as defined by article
23 eighty-nine of this chapter, and the director of school health services
24 shall cause such students to be separately and carefully examined and
25 tested to ascertain whether any student has defective sight or hearing,

26 an eating disorder, or any other physical disability which may tend to
27 prevent him or her from receiving the full benefit of school work, or
28 from requiring a modification of such work to prevent injury to the
29 student or from receiving the best educational results. Each examina-
30 tion shall also include a calculation of the student's body mass index
31 (BMI) and weight status category. For purposes of this section, BMI is
32 computed as the weight in kilograms divided by the square of height in
33 meters or the weight in pounds divided by the square of height in inches
34 multiplied by a conversion factor of 703. Weight status categories for
35 children and adolescents shall be as defined by the commissioner of
36 health. In all school districts, such physician, physician assistant or
37 nurse practitioner shall determine whether a one-time test for sickle
38 cell anemia is necessary or desirable and he or she shall conduct such
39 tests and the certificate shall state the results. If it should be
40 ascertained, upon such test or examination, that any of such students
41 have defective sight or hearing, an eating disorder, or other physical
42 disability, including sickle cell anemia, as above described, the prin-
43 cipal or his or her designee shall notify the parents of, or other
44 persons in parental relation to, the child as to the existence of such
45 disability or disorder.

46 If the parents or other persons in parental
47 relation are unable or unwilling to provide the necessary relief and
48 treatment for such students, such fact shall be reported by the princi-
49 pal or his or her designee to the director of school health services,
50 whose duty it shall be to provide relief for such students. Each school
51 and school district chosen as part of an appropriate sampling methodol-
52 ogy shall participate in surveys directed by the commissioner of health
53 pursuant to the public health law in relation to students' BMI and
54 weight status categories as determined by the examination conducted
55 pursuant to this section and which shall be subject to audit by the
56 commissioner of health. Such surveys shall contain the information
57 required pursuant to this subdivision in relation to students' BMI and
58 weight status categories in aggregate. Parents or other persons in
59 parental relation to a student may refuse to have the student's BMI and

1 weight status category included in such survey. Each school and school
2 district shall provide the commissioner of health with any information,
3 records and reports he or she may require for the purpose of such audit.
4 The BMI and weight status survey and audit as described in this section
5 shall be conducted consistent with confidentiality requirements imposed
6 by federal law. Data collection for such surveys shall commence on a
7 voluntary basis at the beginning of the two thousand seven academic
8 school year, and by all schools chosen as part of the sampling methodol-
9 ogy at the beginning of the two thousand eight academic school year. The
10 department shall also utilize the collected data to develop a report of
11 child obesity and obesity related diseases.

12 § 3. This act shall take effect on the first of July next succeeding
13 the date on which it shall have become a law. Effective immediately,
14 the addition, amendment and/or repeal of any rule or regulation neces-
15 sary for the implementation of this act on its effective date are
16 authorized to be made and completed on or before such effective date.