

STATE OF NEW YORK

4094

2025-2026 Regular Sessions

IN SENATE

January 31, 2025

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~~] their entrance in such schools and upon
6 [~~his or her~~] their entry into the grades prescribed by the commissioner
7 in regulations, provided that such regulations shall require such
8 certificates at least twice during the elementary grades and twice in
9 the secondary grades. An examination and health history of any child may
10 be required by the local school authorities at any time in their
11 discretion to promote the educational interests of such child. Each
12 certificate shall be signed by a duly licensed physician, physician
13 assistant, or nurse practitioner, who is authorized by law to practice
14 in this state, and consistent with subdivision three of section six
15 thousand nine hundred two of this chapter, or by a duly licensed physi-
16 cian, physician assistant, or nurse practitioner, who is authorized to
17 practice in the jurisdiction in which the examination was given,
18 provided that the commissioner has determined that such jurisdiction has
19 standards of licensure and practice comparable to those of New York.
20 Each such certificate shall describe the condition of the student when
21 the examination was made, which shall not be more than twelve months
22 prior to the commencement of the school year in which the examination is
23 required, and shall state whether such student is in a fit condition of
24 health to permit [~~his or her~~] their attendance at the public schools.
25 The examination may include a diabetes risk analysis. Each such certif-

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

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1 icate shall also state the student's body mass index (BMI) and weight
2 status category. For purposes of this section, BMI is computed as the
3 weight in kilograms divided by the square of height in meters or the
4 weight in pounds divided by the square of height in inches multiplied by
5 a conversion factor of 703. Weight status categories for children and
6 adolescents shall be as defined by the commissioner of health. Further-
7 more, each such certificate shall include an assessment of the student
8 for eating disorders. Such assessment shall be conducted pursuant to
9 standards established by the commissioner of health. 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~~] they shall conduct such a test and the
13 certificate shall state the results.

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

17 1. Each principal of a public school, or [~~his or her~~] such principal's
18 designee, shall report to the director of school health services having
19 jurisdiction over such school, the names of all students who have not
20 furnished health certificates as provided in section nine hundred three
21 of this article, or who are children with disabilities, as defined by
22 article eighty-nine of this chapter, and the director of school health
23 services shall cause such students to be separately and carefully exam-
24 ined and tested to ascertain whether any student has defective sight or
25 hearing, an eating disorder, or any other physical disability which may
26 tend to prevent [~~him or her~~] such student from receiving the full bene-
27 fit of school work, or from requiring a modification of such work to
28 prevent injury to the student or from receiving the best educational
29 results. Each examination shall also include a calculation of the
30 student's body mass index (BMI) and weight status category. For purposes
31 of this section, BMI is computed as the weight in kilograms divided by
32 the square of height in meters or the weight in pounds divided by the
33 square of height in inches multiplied by a conversion factor of 703.
34 Weight status categories for children and adolescents shall be as
35 defined by the commissioner of health. In all school districts, such
36 physician, physician assistant or nurse practitioner shall determine
37 whether a one-time test for sickle cell anemia is necessary or desirable
38 and [~~he or she~~] they shall conduct such tests and the certificate shall
39 state the results. If it should be ascertained, upon such test or exam-
40 ination, that any of such students have defective sight or hearing, an
41 eating disorder, or other physical disability, including sickle cell
42 anemia, as above described, the principal or [~~his or her~~] such princi-
43 pal's designee shall notify the parents of, or other persons in parental
44 relation to, the child as to the existence of such disability or disor-
45 der. If the parents or other persons in parental relation are unable or
46 unwilling to provide the necessary relief and treatment for such
47 students, such fact shall be reported by the principal or [~~his or her~~]
48 such principal's designee to the director of school health services,
49 whose duty it shall be to provide relief for such students. Each school
50 and school district chosen as part of an appropriate sampling methodol-
51 ogy shall participate in surveys directed by the commissioner of health
52 pursuant to the public health law in relation to students' BMI and
53 weight status categories as determined by the examination conducted
54 pursuant to this section and which shall be subject to audit by the
55 commissioner of health. Such surveys shall contain the information
56 required pursuant to this subdivision in relation to students' BMI and

1 weight status categories in aggregate. Parents or other persons in
2 parental relation to a student may refuse to have the student's BMI and
3 weight status category included in such survey. Each school and school
4 district shall provide the commissioner of health with any information,
5 records and reports [~~he or she~~] such commissioner may require for the
6 purpose of such audit. The BMI and weight status survey and audit as
7 described in this section shall be conducted consistent with confiden-
8 tiality requirements imposed by federal law. Data collection for such
9 surveys shall commence on a voluntary basis at the beginning of the two
10 thousand seven academic school year, and by all schools chosen as part
11 of the sampling methodology at the beginning of the two thousand eight
12 academic school year. The department shall also utilize the collected
13 data to develop a report of child obesity and obesity related diseases.

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