

STATE OF NEW YORK

2718

2025-2026 Regular Sessions

IN ASSEMBLY

January 22, 2025

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

AN ACT to amend the education law, in relation to requiring electrocardiograms be provided by school health services to screen for heart conditions and requiring electrocardiograms be conducted on students to screen for heart conditions in order to attend school

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 2 of section 901 of the education law, as added
2 by chapter 477 of the laws of 2004, is amended to read as follows:

3 2. School health services for the purposes of this article shall mean
4 the several procedures, including, but not limited to, medical examina-
5 tions, electrocardiograms, dental inspection and/or screening, scoliosis
6 screening, vision screening and audiometer tests, designed to determine
7 the health status of the child; to inform parents or other persons in
8 parental relation to the child, pupils and teachers of the individual
9 child's health condition subject to federal and state confidentiality
10 laws; to guide parents, children and teachers in procedures for prevent-
11 ing and correcting defects and diseases; to instruct the school person-
12 nel in procedures to take in case of accident or illness; to survey and
13 make necessary recommendations concerning the health and safety aspects
14 of school facilities and the provision of health information.

15 § 2. Section 905 of the education law, as amended by chapter 477 of
16 the laws of 2004, is amended to read as follows:

17 § 905. Record of screening examinations and electrocardiograms for
18 vision, hearing and scoliosis, and heart conditions. 1. The director of
19 school health services of each school district in this state that is
20 required to provide school health services, or the health department or
21 agency otherwise responsible to provide such services, shall conduct
22 screening examinations and electrocardiograms of vision, hearing, [~~and~~]
23 scoliosis, and heart conditions of all students at such times and as

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

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1 defined in the regulations of the commissioner, and at any time deemed
2 necessary.

3 2. (a) Notwithstanding any other provisions of any general, special or
4 local law, the school authorities charged with the duty of making such
5 screening examinations of students for the presence of scoliosis pursu-
6 ant to this section shall not suffer any liability to any person as a
7 result of making such screening examination, which liability would not
8 have existed by any provision of law, statutory or otherwise, in the
9 absence of this section. The positive results of any such screening
10 examinations of students for the presence of scoliosis shall be in writ-
11 ing and the parent of, or person in parental relation to, any child in
12 whom the presence of scoliosis is found shall be advised of such results
13 by the school authorities within ninety days after the finding of the
14 presence of scoliosis is made.

15 (b) Notwithstanding any other provisions of any general, special or
16 local law, the school authorities charged with the duty of making such
17 electrocardiogram of students for the presence of heart conditions
18 pursuant to this section shall not suffer any liability to any person as
19 a result of making such screening examination, which liability would not
20 have existed by any provision of law, statutory or otherwise, in the
21 absence of this section. The positive results of any such screening
22 examinations of students for the presence of a heart condition shall be
23 in writing and the parent of, or person in parental relation to, any
24 child in whom the presence of a heart condition is found shall be
25 advised of such results by the school authorities within twenty-one days
26 after the finding of the presence of a heart condition is made.

27 3. (a) The provisions of this section relative to examination for
28 scoliosis shall be waived by the commissioner upon the filing, in
29 accordance with rules and regulations to be established and promulgated
30 by the commissioner, of a resolution, duly adopted by a board of educa-
31 tion, stating that the school district does not have the capability to
32 comply with this section relative to the examination for scoliosis and
33 that such compliance would place a financial cost upon the school
34 district, provided, however, that such resolution may not be adopted
35 prior to the holding of a public hearing on such proposed resolution.
36 Such rules and regulations to be established and promulgated by the
37 commissioner in accordance with this section shall include, but not be
38 limited to, the date for filing such resolution by a board of education
39 and to the dates for filing subsequent resolutions.

40 (b) The provisions of this section relative to electrocardiogram tests
41 for detecting heart conditions shall be waived by the commissioner upon
42 the filing, in accordance with rules and regulations to be established
43 and promulgated by the commissioner, of a resolution, duly adopted by a
44 board of education, stating that the school district does not have the
45 capability to comply with this section relative to the electrocardiogram
46 and that such compliance would place a financial cost upon the school
47 district, provided, however, that such resolution may not be adopted
48 prior to the holding of a public hearing on such proposed resolution.
49 Such rules and regulations to be established and promulgated by the
50 commissioner in accordance with this section shall include, but not be
51 limited to, the date for filing such resolution by a board of education
52 and to the dates for filing subsequent resolutions.

53 4. Vision screening examinations of students in the schools of this
54 state made pursuant to subdivision one of this section, or made pursuant
55 to the by-laws, regulations or practices of the board of education of
56 the city school district of the city of New York, shall be subject to

1 the provisions of this subdivision, and where inconsistent herewith, the
2 provisions of this subdivision shall prevail. In addition to any vision
3 screening examinations otherwise required by the provisions or practices
4 cited in this subdivision, all students who enroll in a school of this
5 state shall be tested for color perception, distance acuity and near
6 vision within six months of admission to the school, or by such other
7 date as may be prescribed in the regulations of the commissioner. The
8 results of any such vision screening examinations, whether made pursuant
9 to this subdivision or pursuant to the provisions or practices cited in
10 this subdivision, shall be in writing and shall be made available to the
11 student's parent or person in parental relation and to any teacher of
12 the student within the school while the student is enrolled in the
13 school, and shall be kept in a permanent file of the school for at least
14 as long as the minimum retention period for such records, as prescribed
15 by the commissioner pursuant to article fifty-seven-A of the arts and
16 cultural affairs law.

17 5. Notwithstanding any provision of this section to the contrary, no
18 screening examinations for vision, hearing, ~~or~~ scoliosis, or heart
19 condition shall be required where a student or the parent or person in
20 parental relation to such student objects thereto on the grounds that
21 such examinations conflict with their genuine and sincere religious
22 beliefs.

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