
BILL TEXT:

STATE OF NEW YORK

S. 2108--C

A. 4308-C
R.R. 24

SENATE - ASSEMBLY

January 31, 2007

§ 11. Subdivision 1 of section 903 of the education law, as amended by
14 chapter 477 of the laws of 2004, 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 any
25 applicable written practice agreement, or by a duly licensed physician,
26 physician assistant, or nurse practitioner, who is authorized to prac-
27 tice in the jurisdiction in which the examination was given, provided
28 that the commissioner has determined that such jurisdiction has stand-
29 ards of licensure and practice comparable to those of New York. Each
30 such certificate shall describe the condition of the student when the
31 examination was made, which shall not be more than twelve months prior
32 to the commencement of the school year in which the examination is
33 required, and shall state whether such student is in a fit condition of
34 health to permit his or her attendance at the public schools. **Each such**
35 **certificate shall also state the student's body mass index (BMI) and**
36 **weight status category. For purposes of this section, BMI is computed as**
37 **the weight in kilograms divided by the square of height in meters or the**
38 **weight in pounds divided by the square of height in inches multiplied by**
39 **a conversion factor of 703. Weight status categories for children and**
40 **adolescents shall be as defined by the commissioner of health.** In all
41 school districts such physician, physician assistant or nurse practi-

42 tioner shall determine whether a one-time test for sickle cell anemia is
43 necessary or desirable and he or she shall conduct such a test and the
44 certificate shall state the results. Within thirty days after the
45 student's entrance in such schools or grades, the certificate shall be
46 submitted to the principal or his or her designee and shall be filed in
47 the student's cumulative health record. If such student does not present
48 a health certificate as required in this section, unless he or she has
49 been accommodated on religious grounds, the principal or the principal's
50 designee shall cause a notice to be sent to the parents or person in
51 parental relationship to such student that if the required health
52 certificate is not furnished within thirty days from the date of such
53 notice, an examination will be made of such student, as provided in this
54 article. **Each school and school district chosen as part of an appropri-**
55 **ate sampling methodology shall participate in surveys directed by the**
56 **commissioner of health pursuant to the public health law in relation to**

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1 **students' BMI and weight status categories as reported on the school**
2 **health certificate and which shall be subject to audit by the commis-**
3 **sioner of health. Such surveys shall contain the information required**
4 **pursuant to this subdivision in relation to students' BMI and weight**
5 **status categories in aggregate. Parents or other persons in parental**
6 **relation to a student may refuse to have the student's BMI and weight**
7 **status category included in such survey. Each school and school district**
8 **shall provide the commissioner of health with any information, records**
9 **and reports he or she may require for the purpose of such audit. The**
10 **BMI and weight status survey and audit as described in this subdivision**
11 **shall be conducted consistent with confidentiality requirements imposed**
12 **by federal law.**

13 § 12. Subdivision 1 of section 904 of the education law, as amended by
14 chapter 477 of the laws of 2004, is amended to read as follows:

15 1. Each principal of a public school, or his or her designee, shall
16 report to the director of school health services having jurisdiction
17 over such school, the names of all students who have not furnished
18 health certificates as provided in section nine hundred three of this
19 article, or who are children with disabilities, as defined by article
20 eighty-nine of this chapter, and the director of school health services
21 shall cause such students to be separately and carefully examined and
22 tested to ascertain whether any student has defective sight or hearing,
23 or any other physical disability which may tend to prevent him or her
24 from receiving the full benefit of school work, or from requiring a
25 modification of such work to prevent injury to the student or from
26 receiving the best educational results. **Each examination shall also**
27 **include a calculation of the student's body mass index (BMI) and weight**
28 **status category. For purposes of this section, BMI is computed as the**
29 **weight in kilograms divided by the square of height in meters or the**

30 **weight in pounds divided by the square of height in inches multiplied by**
31 **a conversion factor of 703. Weight status categories for children and**
32 **adolescents shall be as defined by the commissioner of health.** In all
33 school districts, such physician, physician assistant or nurse practi-
34 tioner shall determine whether a one-time test for sickle cell anemia is
35 necessary or desirable and he or she shall conduct such tests and the
36 certificate shall state the results. If it should be ascertained, upon
37 such test or examination, that any of such students have defective sight
38 or hearing, or other physical disability, including sickle cell anemia,
39 as above described, the principal or his or her designee shall notify
40 the parents of, or other persons in parental relation to, the child as
41 to the existence of such disability. If the parents or other persons in
42 parental relation are unable or unwilling to provide the necessary
43 relief and treatment for such students, such fact shall be reported by
44 the principal or his or her designee to the director of school health
45 services, whose duty it shall be to provide relief for such students.
46 **Each school and school district chosen as part of an appropriate sampl-**
47 **ing methodology shall participate in surveys directed by the commission-**
48 **er of health pursuant to the public health law in relation to students'**
49 **BMI and weight status categories as determined by the examination**
50 **conducted pursuant to this section and which shall be subject to audit**
51 **by the commissioner of health. Such surveys shall contain the informa-**
52 **tion required pursuant to this subdivision in relation to students' BMI**
53 **and weight status categories in aggregate. Parents or other persons in**
54 **parental relation to a student may refuse to have the student's BMI and**
55 **weight status category included in such survey. Each school and school**
56 **district shall provide the commissioner of health with any information,**

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

STATUS:

S2108-C BUDGET

Budget Bills

TITLE....Enacts major components of legislation necessary to implement the health and mental hygiene budget for the 2007-2008 fiscal year

01/31/07 REFERRED TO FINANCE
02/26/07 AMEND AND RECOMMIT TO FINANCE
02/26/07 PRINT NUMBER 2108A
03/14/07 AMEND (T) AND RECOMMIT TO FINANCE
03/14/07 PRINT NUMBER 2108B
03/31/07 AMEND (T) AND RECOMMIT TO FINANCE
03/31/07 PRINT NUMBER 2108C
03/31/07 ORDERED TO THIRD READING CAL.480
03/31/07 MESSAGE OF NECESSITY - 3 DAY MESSAGE
03/31/07 REPASSED SENATE
03/31/07 RETURNED TO ASSEMBLY
03/31/07 referred to ways and means
03/31/07 substituted for a4308c
03/31/07 ordered to third reading rules cal.24
03/31/07 message of necessity - 3 day message
03/31/07 passed assembly
03/31/07 returned to senate
04/01/07 DELIVERED TO GOVERNOR
04/09/07 SIGNED CHAP.58