



General Assembly

February Session, 2004

**Raised Bill No. 357**

LCO No. 1201

\*01201\_\_\_\_\_PH\_\*

Referred to Committee on Public Health

Introduced by:  
(PH)

**AN ACT CONCERNING CHILDHOOD OBESITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2004*) Each local and regional  
2 board of education shall ensure that (1) each child in the schools under  
3 its jurisdiction be provided with an opportunity for a lunch break that  
4 is a minimum of twenty minutes every school day, and (2) each child  
5 in grades kindergarten to five, inclusive, in the schools under its  
6 jurisdiction, has the opportunity for physical activity for a minimum of  
7 twenty minutes every school day or a minimum of one hundred  
8 minutes every week, except that the planning and placement team  
9 may develop a different schedule for a child requiring special  
10 education and related services, in accordance with chapter 164 of the  
11 general statutes and the Individual With Disabilities Education Act, 20  
12 USC 1400 et seq., as may be amended from time to time.

13 Sec. 2. (NEW) (*Effective July 1, 2004*) On and after September 1, 2004,  
14 each local or regional board of education shall require the schools  
15 under its jurisdiction to make available for purchase dairy products,  
16 including low-fat dairy products, water, one hundred per cent fruit  
17 juices and fresh or dried fruit at all times when food or drink is

18 available for purchase in school buildings.

19 Sec. 3. Subsection (a) of section 10-266w of the general statutes is  
20 repealed and the following is substituted in lieu thereof (*Effective July*  
21 *1, 2004*):

22 (a) For each fiscal year, each local and regional board of education  
23 having at least one school building designated as a severe need school,  
24 as defined by federal law governing school nutrition programs, in the  
25 fiscal year two years prior to the grant year, shall be eligible to receive  
26 a grant to assist in providing school breakfasts to all students in each  
27 eligible severe need school, provided any local or regional board  
28 having at least one school building so designated shall participate in  
29 the federal school breakfast program on behalf of all severe need  
30 schools in the district with grades eight or under in which at least  
31 [eighty] forty per cent of the lunches served are served to students who  
32 are eligible for free or reduced price lunches pursuant to federal law  
33 and regulations.

34 Sec. 4. Section 10-206 of the general statutes is repealed and the  
35 following is substituted in lieu thereof (*Effective July 1, 2004*):

36 (a) Each local or regional board of education shall require each pupil  
37 enrolled in the public schools to have health assessments pursuant to  
38 the provisions of this section. Such assessments shall be conducted by  
39 a legally qualified practitioner of medicine, an advanced practice  
40 registered nurse or registered nurse, licensed pursuant to chapter 378,  
41 a physician assistant, licensed pursuant to chapter 370, or by the school  
42 medical advisor to ascertain whether such pupil is suffering from any  
43 physical disability tending to prevent such pupil from receiving the  
44 full benefit of school work and to ascertain whether such school work  
45 should be modified in order to prevent injury to the pupil or to secure  
46 for the pupil a suitable program of education. No health assessment  
47 shall be made of any child enrolled in the public schools unless such  
48 examination is made in the presence of the parent or guardian or in the  
49 presence of another school employee. The parent or guardian of such

50 child shall receive prior written notice and shall have a reasonable  
51 opportunity to be present at such assessment or to provide for such  
52 assessment himself or herself. A local or regional board of education  
53 may deny continued attendance in public school to any child who fails  
54 to obtain the health assessments required under this section.

55 (b) Each local or regional board of education shall require each child  
56 to have a health assessment prior to public school enrollment. The  
57 assessment shall include: (1) A physical examination which shall  
58 include hematocrit or hemoglobin tests, height, weight, blood  
59 pressure, body mass index-for-age and [, beginning with the 2003-2004  
60 school year,] a chronic disease assessment which shall include, but not  
61 be limited to, asthma, as defined by the Commissioner of Public Health  
62 pursuant to subsection (c) of section 19a-62a and, when the body mass  
63 index-for-age percentile is above a level determined by the  
64 Commissioner of Public Health and included on the assessment form,  
65 all types of diabetes. The assessment form shall include (A) a check box  
66 for the provider conducting the assessment, as provided in subsection  
67 (a) of this section, to indicate an asthma or diabetes diagnosis, (B)  
68 screening questions relating to appropriate public health concerns to  
69 be answered by the parent or guardian, and (C) screening questions to  
70 be answered by such provider; (2) an updating of immunizations as  
71 required under section 10-204a, provided a registered nurse may only  
72 update said immunizations pursuant to a written order by a physician  
73 or physician assistant, licensed pursuant to chapter 370, or an  
74 advanced practice registered nurse, licensed pursuant to chapter 378;  
75 (3) vision, hearing, speech and gross dental screenings; and (4) such  
76 other information, including health and developmental history, as the  
77 physician feels is necessary and appropriate. The assessment shall also  
78 include tests for tuberculosis, sickle cell anemia or Cooley's anemia  
79 and tests for lead levels in the blood where the local or regional board  
80 of education determines after consultation with the school medical  
81 advisor and the local health department, or in the case of a regional  
82 board of education, each local health department, that such tests are  
83 necessary, provided a registered nurse may only perform said tests

84 pursuant to the written order of a physician or physician assistant,  
85 licensed pursuant to chapter 370, or an advanced practice registered  
86 nurse, licensed pursuant to chapter 378.

87 (c) Each local or regional board of education shall require each pupil  
88 enrolled in the public schools to have health assessments in either  
89 grade six or grade seven and in either grade ten or grade eleven. The  
90 assessment shall include: (1) A physical examination which shall  
91 include hematocrit or hemoglobin tests, height, weight, blood  
92 pressure, body mass index-for-age and [, beginning with the 2003-2004  
93 school year,] a chronic disease assessment which shall include, but not  
94 be limited to, asthma, as defined by the Commissioner of Public Health  
95 pursuant to subsection (c) of section 19a-62a and, when the body mass  
96 index-for-age percentile is above a level determined by the  
97 Commissioner of Public Health and included on the assessment form,  
98 all types of diabetes. The assessment form shall include (A) a check box  
99 for the provider conducting the assessment, as provided in subsection  
100 (a) of this section, to indicate an asthma or diabetes diagnosis, (B)  
101 screening questions relating to appropriate public health concerns to  
102 be answered by the parent or guardian, and (C) screening questions to  
103 be answered by such provider; (2) an updating of immunizations as  
104 required under section 10-204a, provided a registered nurse may only  
105 update said immunizations pursuant to a written order of a physician  
106 or physician assistant, licensed pursuant to chapter 370, or an  
107 advanced practice registered nurse, licensed pursuant to chapter 378;  
108 (3) vision, hearing, postural and gross dental screenings; and (4) such  
109 other information including a health history as the physician feels is  
110 necessary and appropriate. The assessment shall also include tests for  
111 tuberculosis and sickle cell anemia or Cooley's anemia where the local  
112 or regional board of education, in consultation with the school medical  
113 advisor and the local health department, or in the case of a regional  
114 board of education, each local health department, determines that said  
115 screening or test is necessary, provided a registered nurse may only  
116 perform said tests pursuant to the written order of a physician or  
117 physician assistant, licensed pursuant to chapter 370, or an advanced

118 practice registered nurse, licensed pursuant to chapter 378.

119 (d) The results of each assessment done pursuant to this section and  
120 the results of screenings done pursuant to section 10-214 shall be  
121 recorded on forms supplied by the State Board of Education. Such  
122 information shall be included in the cumulative health record of each  
123 pupil and shall be kept on file in the school such pupil attends. If a  
124 pupil permanently leaves the jurisdiction of the board of education, the  
125 pupil's original cumulative health record shall be sent to the chief  
126 administrative officer of the school district to which such student  
127 moves. The board of education transmitting such health record shall  
128 retain a true copy. Each physician, advanced practice registered nurse,  
129 registered nurse, or physician assistant performing health assessments  
130 and screenings pursuant to this section and section 10-214 shall  
131 completely fill out and sign each form and any recommendations  
132 concerning the pupil shall be in writing.

133 (e) Appropriate school health personnel shall review the results of  
134 each assessment and screening as recorded pursuant to subsection (d)  
135 of this section. When, in the judgment of such health personnel, a  
136 pupil, as defined in section 10-206a, is in need of further testing or  
137 treatment, the superintendent of schools shall give written notice to the  
138 parent or guardian of such pupil and shall make reasonable efforts to  
139 assure that such further testing or treatment is provided. Such  
140 reasonable efforts shall include a determination of whether or not the  
141 parent or guardian has obtained the necessary testing or treatment for  
142 the pupil, and, if not, advising the parent or guardian on how such  
143 testing or treatment may be obtained. The results of such further  
144 testing or treatment shall be recorded pursuant to subsection (d) of this  
145 section, and shall be reviewed by school health personnel pursuant to  
146 this subsection.

147 (f) On and after February 1, 2004, each local or regional board of  
148 education shall report, on an annual basis, the total number of pupils  
149 per school and per school district having a diagnosis of asthma

150 recorded on such health assessment forms to the local health  
151 department and the Department of Public Health. The report shall  
152 contain the asthma information collected as required under  
153 subsections (b) and (c) of this section and shall include pupil age,  
154 gender, race, ethnicity and school. Beginning on October 1, 2004, and  
155 every three years thereafter, the Department of Public Health shall  
156 review the asthma screening information reported pursuant to this  
157 section and shall submit a report to the joint standing committees of  
158 the General Assembly having cognizance of matters relating to public  
159 health and education concerning asthma trends and distributions  
160 among pupils enrolled in the public schools. The report shall be  
161 submitted in accordance with the provisions of section 11-4a and shall  
162 include, but not be limited to, trends and findings based on pupil age,  
163 gender, race, ethnicity, school and the education reference group, as  
164 determined by the Department of Education for the town or regional  
165 school district in which such school is located.

166 (g) On and after February 1, 2005, each local or regional board of  
167 education shall report, on an annual basis, the total number of pupils  
168 per school and per school district having a diagnosis of obesity based  
169 on the body mass index-for-age recorded on such health assessment  
170 forms to the local health department and the Department of Public  
171 Health. The report shall contain the body mass index-for-age  
172 information collected as required under subsections (b) and (c) of this  
173 section and shall include pupil age, gender, race, ethnicity and school.  
174 Beginning on October 1, 2005, and every three years thereafter, the  
175 Department of Public Health shall review the obesity information  
176 reported pursuant to this section and shall submit a report to the joint  
177 standing committees of the General Assembly having cognizance of  
178 matters relating to public health and education concerning obesity  
179 trends and distributions among pupils enrolled in the public schools.  
180 The report shall be submitted in accordance with the provisions of  
181 section 11-4a and shall include, but not be limited to, trends and  
182 findings based on pupil age, gender, race, ethnicity, school and the  
183 education reference group, as determined by the Department of

184 Education for the town or regional school district in which such school  
185 is located.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>July 1, 2004</i>
Sec. 4	<i>July 1, 2004</i>

**Statement of Purpose:**

To begin a school nutrition pilot program and to develop a state children's nutrition policy.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*