

---

By: **Senators Lawlah and Britt**

Introduced and read first time: January 27, 2006

Assigned to: Education, Health, and Environmental Affairs

---

A BILL ENTITLED

1 AN ACT concerning

2                                   **Education - Body Mass Index for Age Measurements - Elementary and**  
3                                   **Middle Schools**

4 FOR the purpose of requiring certain schools enrolling students in certain grades to  
5 complete a body mass index for age measurement on certain students within a  
6 certain number of days except in certain circumstances; requiring certain  
7 schools to send the parents or guardians of certain students a certain  
8 confidential health report card including certain information in a certain  
9 mailing; requiring certain schools to send a certain notice, by mail, to certain  
10 parents or guardians including certain information within a certain time period;  
11 requiring certain schools to send the aggregate results of certain body mass  
12 index for age measurements to the local department of education on a certain  
13 form within a certain number of days; requiring local departments of education  
14 to send the aggregate results of certain body mass index for age measurements  
15 to the State Department of Education on a certain form within a certain number  
16 of days; requiring the Department to develop and disseminate certain model  
17 educational information, forms, and report cards and submit a certain report to  
18 the Governor and General Assembly by a certain date each year; and generally  
19 relating to measuring the body mass index for age for students in elementary  
20 and middle schools.

21 BY adding to  
22 Article - Education  
23 Section 7-425  
24 Annotated Code of Maryland  
25 (2004 Replacement Volume and 2005 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
27 MARYLAND, That the Laws of Maryland read as follows:

1

**Article - Education**

2 7-425.

3 (A) THIS SECTION APPLIES TO PUBLIC SCHOOLS ENROLLING STUDENTS IN  
4 THE FIRST, THIRD, FIFTH, OR EIGHTH GRADES.

5 (B) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
6 PARAGRAPH, WITHIN 90 DAYS OF THE FIRST DAY OF THE SCHOOL YEAR EACH YEAR,  
7 EACH SCHOOL SHALL COMPLETE A BODY MASS INDEX FOR AGE, AS DEFINED BY THE  
8 FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION, ON EACH STUDENT  
9 ENROLLED IN THAT SCHOOL IN THE FIRST, THIRD, FIFTH, OR EIGHTH GRADE.

10 (II) IF A PARENT OR GUARDIAN OF A STUDENT DOES NOT WANT  
11 THE STUDENT TO BE MEASURED FOR A BODY MASS INDEX FOR AGE BY THE SCHOOL,  
12 THE PARENT OR GUARDIAN SHALL COMPLETE A "REFUSAL TO PERMIT" FORM  
13 PROVIDED BY THE SCHOOL, TO BE RETURNED TO THE SCHOOL ON OR BEFORE THE  
14 FIRST DAY OF THE SCHOOL YEAR.

15 (2) (I) ON COMPLETION OF THE REQUIREMENT IN PARAGRAPH (1) OF  
16 THIS SUBSECTION, THE SCHOOL SHALL SEND THE PARENT OR GUARDIAN OF EACH  
17 STUDENT A CONFIDENTIAL HEALTH REPORT CARD THAT INCLUDES:

18 1. THE RESULTS OF THE STUDENT'S BODY MASS INDEX FOR  
19 AGE MEASUREMENT; AND

20 2. BASIC EDUCATIONAL INFORMATION ABOUT WHAT THE  
21 RESULTS MEAN AND WHAT A PARENT OR GUARDIAN MAY DO WITH THE  
22 INFORMATION PROVIDED.

23 (II) THE SCHOOL SHALL SEND THE HEALTH REPORT CARD IN THE  
24 SAME MAILING AS THE FIRST ACADEMIC REPORT CARD OF THE SCHOOL YEAR.

25 (C) (1) AT LEAST 30 DAYS BEFORE THE FIRST DAY OF THE SCHOOL YEAR  
26 EACH YEAR, A SCHOOL SHALL SEND, BY MAIL, THE PARENTS OR GUARDIANS OF THE  
27 STUDENTS ENROLLED AT THE SCHOOL IN THE FIRST, THIRD, FIFTH, OR EIGHTH  
28 GRADE A NOTICE CONCERNING THE REQUIREMENTS OF THIS SECTION.

29 (2) THE NOTICE SHALL INCLUDE:

30 (I) AN EXPLANATION OF THE REQUIREMENTS OF THIS SECTION;

31 (II) BASIC EDUCATIONAL MATERIAL ABOUT THE BODY MASS INDEX  
32 FOR AGE MEASUREMENT AND HOW THIS INFORMATION MAY BE USED BY THE  
33 PARENT OR GUARDIAN;

34 (III) A CLEAR STATEMENT THAT THE PARENT OR GUARDIAN MAY  
35 REFUSE TO ALLOW THEIR CHILD TO BE MEASURED FOR A BODY MASS INDEX FOR  
36 AGE BY THE SCHOOL; AND

1 (IV) A COPY OF THE "REFUSAL TO PERMIT" FORM FOR EACH CHILD  
2 ENROLLED IN THE SCHOOL.

3 (D) (1) WITHIN 30 DAYS AFTER COMPLETION OF THE REQUIREMENTS IN  
4 SUBSECTION (B) OF THIS SECTION, EACH SCHOOL SHALL SEND THE AGGREGATE  
5 RESULTS TO THE LOCAL DEPARTMENT OF EDUCATION ON A FORM PROVIDED BY THE  
6 DEPARTMENT.

7 (2) WITHIN 30 DAYS AFTER RECEIVING THE RESULTS FROM EACH  
8 SCHOOL IN THE JURISDICTION OF THE LOCAL DEPARTMENT OF EDUCATION, THE  
9 LOCAL DEPARTMENT SHALL SEND THE AGGREGATE RESULTS BY SCHOOL AND  
10 GRADE TO THE DEPARTMENT.

11 (E) BEFORE THE 2006-2007 SCHOOL YEAR AND ANNUALLY THEREAFTER, THE  
12 DEPARTMENT SHALL:

13 (1) IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND  
14 MENTAL HYGIENE, DEVELOP AND DISSEMINATE INFORMATION EXPLAINING THE  
15 METHOD FOR DETERMINING THE BODY MASS INDEX FOR AGE AND THE  
16 APPROPRIATE TABLES TO BE USED TO PLOT THE RESULTS OF THE MEASUREMENT;

17 (2) DEVELOP AND DISSEMINATE A FORM TO REPORT THE AGGREGATE  
18 RESULTS FROM INDIVIDUAL SCHOOLS AND FROM EACH LOCAL DEPARTMENT;

19 (3) DEVELOP AND DISSEMINATE A MODEL HEALTH REPORT CARD,  
20 "REFUSAL TO PERMIT" FORM, AND BASIC EDUCATIONAL INFORMATION ABOUT WHAT  
21 A BODY MASS INDEX FOR AGE MEASUREMENT IS AND HOW THE INFORMATION MAY  
22 BE USED BY PARENTS OR GUARDIANS; AND

23 (4) SUBMIT TO THE GOVERNOR AND THE GENERAL ASSEMBLY, IN  
24 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, A REPORT OF  
25 THE RESULTS OF THE AGGREGATE RESULTS OF THE BODY MASS INDEX FOR AGE  
26 MEASUREMENTS BY MARCH 1 OF EACH YEAR.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 July 1, 2006.