

**Department of Legislative Services**  
 Maryland General Assembly  
 2006 Session

**FISCAL AND POLICY NOTE**

Senate Bill 329 (Senators Lawlah and Britt)  
 Education, Health, and Environmental Affairs

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

This bill establishes a process for schools to measure the body mass index for age (BMI-for-age) of public school students in the first, third, fifth, and eighth grades and to notify parents of the results. Aggregate results must be sent to the Maryland State Department of Education (MSDE), where they must be compiled for an annual report.

The bill takes effect July 1, 2006.

**Fiscal Summary**

**State Effect:** General fund expenditures would increase by an estimated \$44,000 in FY 2007 for MSDE to contract for training facilities, the printing of BMI-for-age materials, and the development of a database to house and report data. Ongoing responsibilities after FY 2007 could be met with existing resources. Revenues would not be affected.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	44,000	0	0	0	0
Net Effect	(\$44,000)	\$0	\$0	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Local school expenditures would increase by an estimated \$522,500 in FY 2007 due to the purchase of standardized BMI-for-age measurement equipment and increased mailing and travel expenses. Beginning in FY 2008, ongoing school expenditures would increase by an estimated \$105,000 to \$210,000 annually. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** Minimal.

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## **Analysis**

**Bill Summary:** At least 30 days prior to the start of each school year, a public school must mail to the parents and guardians of students in first, third, fifth, and eighth grades a notice about the BMI-for-age measurement that will take place at the school. The mailing must include educational material about the BMI-for-age measurement, a clear statement that the parent or guardian may refuse to allow their child to participate, and a copy of a “refusal to permit” form for each child that can be filled out in order to exempt a child from participation.

Within 90 days after the start of the school year, a BMI-for-age measurement must be taken for each student in first, third, fifth, or eighth grade whose parent or guardian has not submitted a refusal to permit form. In the same mailing as the first academic report card of each year, the results of a student’s measurement must be sent to the student’s parent or guardian in a confidential health report card with educational information explaining what the results mean. Each school must also forward its aggregate results to the local school system, which must forward aggregate results by school and grade to MSDE.

In consultation with the Department of Health and Mental Hygiene, MSDE must develop information prior to the 2006-2007 school year that explains the method for determining BMI-for-age. Reporting forms, BMI-for-age educational materials, and a model health report card must also be developed and disseminated by MSDE.

**Current Law:** Although BMI-for-age measurements of students are not required, several State requirements described below address student health and nutrition.

- With the assistance of the local health department, each school system must provide adequate school health services, instruction in health education, and a healthful school environment.
- Each public school must have a program of physical education given in a planned and sequential manner.
- A public school vending machine that sells foods of minimal nutritional value must use a timing device to automatically prohibit or allow access to the machine in accordance with nutritional policies established by the local board of education.

**Background:** A child's body mass index (BMI) typically decreases during preschool years and then increases into adulthood. BMI-for-age was developed to account for these changes and to account for differences in the development of boys and girls.

BMI-for-age is reported as a raw BMI score, and the raw score is plotted on a chart that determines a child's percentile as compared to other children of the same age and gender. The Centers for Disease Control and Prevention reports that a child with a BMI-for-age under the 5<sup>th</sup> percentile is categorized as underweight, a child between the 5<sup>th</sup> and 85<sup>th</sup> percentiles is normal, a child with a BMI-for-age between the 85<sup>th</sup> and 95<sup>th</sup> percentiles is at risk of being overweight, and a child with a BMI-for-age at the 95<sup>th</sup> percentile or above is overweight.

**State Expenditures:** General fund expenditures will increase by an estimated \$44,000 in fiscal 2007. The expenditures would cover the cost of contracts for: the development, printing, and dissemination of BMI-for-age materials; a facility rental to conduct a training session with school health professionals who will be responsible for the measurements; and the development of a software package that will be used to house BMI-for-age data, analyze the data, and report the data. These are all one-year costs. Ongoing reporting and analysis responsibilities could be handled with existing staff and resources.

**Local Expenditures:** Local school system expenditures will increase to implement annual BMI-for-age measurements. The costs will include additional mailing expenses, travel expenses for school health staff to attend a BMI-for-age training session, and the costs of standardized measurement equipment. It is assumed that some school systems will elect to have a school nurse travel to different schools with the measurement equipment while others may need the proper equipment in all elementary and middle schools. It is also assumed that the BMI-for-age materials that must be sent prior to the start of the school year will be included with other mailings to the extent possible. Assuming an average cost of \$500 for each of the State's 1,045 elementary and middle schools, local school expenditures will increase by \$522,500 in fiscal 2007. Ongoing costs of \$100 to \$200 per school (\$105,000 to \$210,000 annually statewide) would not include the fiscal 2007 equipment costs.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Department of Health and Mental Hygiene, Department of Legislative Services

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