



LEGISLATIVE BRIEFS...

October 2008

Update: Where Are We with Combating Childhood Obesity?

A 2004 health survey of New York third-graders found that 21% were obese. Legislation passed in 2007 went into effect in September. This legislation requires public schools outside of New York City to collect and report a summary of students' weights and body mass indexes (BMI) as part of an effort to combat childhood obesity. The body mass index reporting requirement was pilot tested during the last school year with voluntary participation by 97 schools.

As of September 2008, doctors are required to include a child's BMI on the health certificate provided to schools when a student first enters school and in grades 2, 4, 7 and 10. The information collected will be confidential. The state Department of Health plans to collect the information to track childhood obesity across the state to develop a better sense of the distribution problem and if some areas are more vulnerable than others. For information...

<http://www.timesunion.com/AspStories/story.asp?storyID=717586&category=STATE>
<http://public.leginfo.state.ny.us/menuegft.cgi?COMMONQUERY=LAWS>

Around the State:

Public Interest Group Urges Governor to Sign Lead Bill

Members of the New York Public Interest Group, NYPIRG, continue to work for legislation that will strengthen prevention measures for childhood exposure to lead. Both NYS PTA and National PTA took active roles in lobbying for measures to prevent childhood lead poisoning yet, while the number of children suffering from lead poisoning has decreased since 1978, state reports show that 5,000 children per year test positive to lead poisoning. For this reason, NYPIRG is urging Governor Paterson to sign the bipartisan bill, Childhood Lead Poisoning Primary Prevention and Safe Housing Act, (A.6399/S.6350), to amend public health law. This bill would include screening for those at risk, financial assistance to landlords and homeowners living in homes built before 1978, and support for education and awareness programs. For information...

<http://assembly.state.ny.us/leg/?bn=A6399>
http://www.legislativegazette.com/back_issues/08-9-08_for_web.pdf

Tougher Punishments for Parents Supplying Alcohol to Underaged

Under current law, it is a misdemeanor punishable by up to one year in jail to serve alcohol to those under 21 in New York State. Hoping to combat parental provision of alcohol to children's friends, New York officials are considering the proposal of The Advisory Council on Underage Alcohol Consumption to fine parents, on first offense, \$250 for hosting an underage drinking party. Further offenses would result in larger fines and potential jail time.

The federal Substance Abuse and Mental Health Services Administration estimates that 40% of underage drinkers in the U.S. received alcohol from adults. Recently 100 college presidents called on lawmakers to consider lowering the drinking age to discourage campus binge drinking. For information...

<http://www.craigslist.com/apps/pbcs.dll/article?AID=/20080905/FREE/809059993/1057/renew&template=printart>
http://www.oasas.state.ny.us/pio/press/pr8-29-08_21.cfm

Does Your School District Have an Allergy/Anaphylaxis Policy?

Public Health Law Section 2500-h, the Allergy and Anaphylaxis Management Act of 2007, became effective as of January 3, 2007. The law requires the Commissioner of NYS Department of Health, in consultation with the Commission of Education, to establish an anaphylactic policy setting forth guidelines and procedures regarding anaphylaxis. It also requires that each school board and charter school consider and take action in response to this document which is designed to offer options and flexibility in management within individual schools. For information...

<http://www.emsc.nysed.gov/sss/documents/AnaphylaxisFinal62508.pdf>

Around the Capitol:

Spring and Summer Peak Legislative Opportunity for Students with Disabilities

On August 14, the President signed Public Law No: 110-315 into law to reauthorize the Higher Education Opportunity Act (HEOA). After years of debate and negotiations, the passage of this act makes it possible for thousands of America's students to thrive in their post-secondary pursuits. This version of the Act expands opportunities and access to students with disabilities in unprecedented ways, including increasing postsecondary educational opportunities by creating new and sustaining programs to increase access, recruitment, retention and completion rates for students with disabilities; establishing a national center to provide support services and best practices for colleges, students with disabilities and their families; assisting colleges in recruiting, retaining, and graduating students with disabilities and improving educational materials and facilities for these students, etc. For information...

www.ncl.org
<http://www.govtrack.us/congress/bill.xpd?bill=h110-4137&tab=summary>

In addition, Congress actively engaged with the disability and business communities in developing and taking action on legislation that will amend the existing Americans with Disabilities Act (ADA). In June, the House passed H.R. 3195, and on 9/11 the Senate, by unanimous consent, passed S.3406. Both bills set forth rules regarding the definition of "disability". It is anticipated that a final bill will be sent to President Bush for his signature before the end of this congressional session. For information...

<http://www.govtrack.us/congress/bill.xpd?bill=h110-3195&tab=summary>
<http://www.govtrack.us/congress/bill.xpd?bill=s110-3406&tab=summary>

Funding Early Help for Special Education

The U.S. Department of Special Education is "trying to pull down the walls that have traditionally separated special education and general education." The DOE plan is two-pronged as one facet focuses on support of the educational technique, Response to Intervention (RTI), and the other on "coordinated, comprehensive early intervening services. But the rules and restrictions regarding early intervention services have some state officials wary. For information...

http://www.edweek.org/ew/articles/2008/09/10/03ceis_ep.h28.html?print=1

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