

HOUSE BILL NO. 474

INTRODUCED BY D. MCALPIN

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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING DISCRETIONARY BODY MASS INDEX PROGRAMS IN PUBLIC SCHOOL DISTRICTS FOR GRADES 3-12; PROVIDING PARENTS OR GUARDIANS WITH A CONFIDENTIAL STUDENT HEALTH REPORT CARD; ESTABLISHING REQUIREMENTS FOR BODY MASS INDEX PROGRAMS; PROVIDING FOR REPORTING REQUIREMENTS BEGINNING WITH THE 2009-10 SCHOOL YEAR; ESTABLISHING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the U.S. Surgeon General has called obesity "the greatest threat to public health today"; and

WHEREAS, all available data reflects that children and adolescents are exercising less and consuming more unhealthy foods; and

WHEREAS, those unhealthy lifestyles have led to a greater incidence of overweight children and adolescents, and childhood obesity can lead to chronic health problems such as type 2 diabetes; and

WHEREAS, as many as 12% of Montana children and adolescents may be overweight;

WHEREAS, identification of children and adolescents who may be overweight is the first step in addressing this national and state crisis and the screening tool known as a body mass index is a quick and easy screening test to determine possible risk using weight and height measurements;

WHEREAS, discussion of body mass index screening results can be part of a comprehensive physical education curriculum that involves students in assessing their own fitness levels and planning for improvement or maintenance; and

WHEREAS, school districts need to promote healthy student behaviors rather than simply allow for opportunities to be physically active.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Definitions.** As used in this part, the following definitions apply:

(1) "Aggregate results" means the total of all body mass index screening data gathered during a given period of time.



1 (2) "Body mass index" means an approved assessment method for determining a healthy weight range
2 based on a child's height, age, and gender.

3 (3) "Department" means the department of public health and human services provided for in 2-15-2201.
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5 **NEW SECTION. Section 2. Body mass index program implementation.** (1) School districts may
6 implement a program that identifies public school children in grades 3-12 who are at risk for obesity. Those school
7 districts that choose to carry out such a program shall:

8 (a) maintain a sufficient number of current school staff or school volunteers trained in taking a body mass
9 index to meet the requirements of [sections 1 through 5]. The department shall develop and provide training
10 materials to school districts.

11 (b) except as provided in subsection (3), complete a body mass index for every child enrolled in grades
12 3-12 in the school district utilizing a program recommended by the department;

13 (c) provide each student's parents or guardians with a confidential health report card that represents the
14 result of the child's body mass index screening along with basic educational information on what the results mean
15 and what the parents or guardians should do with the information.

16 (2) School districts that implement a body mass index program shall transmit the results of the testing
17 for each student to the department.

18 (3) School districts that implement a body mass index program are allowed to exempt students with
19 disabilities as determined by the school district.
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21 **NEW SECTION. Section 3. Requirements of body mass index program.** (1) The department, with
22 the assistance of the office of public instruction, shall provide a framework for school districts to use in developing
23 a body mass index program that must, at a minimum:

24 (a) provide standard practices for maintaining confidentiality;

25 (b) provide necessary information to school districts before the beginning of the 2009-10 school year and
26 annually after that, explaining the method for determining body mass index and the tables that should be used
27 to determine if a child may be at risk of being overweight or underweight based on body mass index;

28 (c) develop and disseminate to school districts before the beginning of the 2009-10 school year and
29 annually after that a form that must be used to report the results from individual schools and from the school
30 district to the department;

1 (d) develop and disseminate a sample notification to school districts that can be used as a model for a
2 health report card to notify parents or guardians of the child's body mass index results. The notification form must
3 include:

4 (i) basic educational information on the meaning of the results;

5 (ii) the applicable health risks for a child who is overweight; and

6 (iii) actions parents may take based on the information provided.

7 (e) include collaboration with representatives of the office of public instruction, state health professional
8 associations, and national health-related organizations in the design of the form and sample notification.

9 (2) School districts may use body mass index data to:

10 (a) evaluate the district's student population as a whole when required by grant proposals for equipment
11 funding;

12 (b) assess student population fitness needs and plan for appropriate curriculum development; and

13 (c) determine appropriate equipment purchases when the items are dependent on student height and
14 weight ranges.

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16 **NEW SECTION. Section 4. Reporting.** (1) The department is authorized to accept and tabulate the
17 results of any body mass index screenings completed by school districts and to distribute only aggregate results
18 at a grade, school, county, or statewide level.

19 (2) The department shall, by January 31 of each year, provide to school districts and the office of public
20 instruction a report of the aggregate results of all body mass index screenings conducted in the previous calendar
21 year.

22 (3) Schools where aggregate data suggests that high rates of overweight children may be a problem are
23 encouraged to implement or expand school-based nutrition and physical activity programs designed to reduce
24 those rates.

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26 **NEW SECTION. Section 5. Rulemaking authority.** The department shall adopt rules necessary for
27 the administration of this part, including the selection of an assessment instrument to be used by school districts
28 to assess student physical fitness as provided in this part.

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30 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 5] are intended to be codified

1 as an integral part of Title 20, chapter 5, part 4, and the provisions of Title 20, chapter 5, part 4, apply to [sections
2 1 through 5].

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4 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

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