

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1699

By: Morrissette

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6 AS INTRODUCED

7 An Act relating to schools; creating the RIGHTTRACK
8 Act; stating legislative findings; authorizing school
9 districts to implement program identifying children
10 at risk for poor nutrition; requiring school
11 districts to have teachers available to provide
12 nutrition instruction; requiring school districts to
13 have school staff and volunteers trained in measuring
14 body mass index (BMI); requiring school districts to
15 complete a BMI for age annually for students enrolled
16 in kindergarten through grade nine; requiring school
17 districts to provide a confidential health report to
18 parent or guardian; requiring school districts to
19 transmit test results to RIGHTTRACK Oversight
20 Committee; providing for purpose; establishing the
21 RIGHTTRACK Oversight Committee; providing for
22 appointments; providing for designation of term;
23 providing for travel reimbursement; establishing the
24 RIGHTTRACK Advisory Committee; providing for purpose;
providing for appointments; providing for travel
reimbursement; providing for codification; and
providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 24-100e of Title 70, unless
there is created a duplication in numbering, reads as follows:

1 This section and Sections 2 through 5 of this act shall be known
2 and may be cited as the "RIGHTTRACK Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 24-100f of Title 70, unless
5 there is created a duplication in numbering, reads as follows:

6 A. Based upon surveillance and self-reported data, the
7 Legislature hereby finds that childhood nutrition is a potential
8 problem of epidemic proportions in this state. The Legislature
9 further finds that this places children at a greater risk for
10 serious conditions such as lowered IQ, an entire range of social
11 dysfunctional issues, including school dropout, unemployment, and
12 incarceration, and medical concerns such as heart disease, some
13 cancers, stroke, and diabetes.

14 B. The purpose of the RIGHTTRACK Act is to use the calculation
15 of body mass index (BMI) as a tool in screening and identifying
16 children who may be at risk for poor nutrition.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 24-100g of Title 70, unless
19 there is created a duplication in numbering, reads as follows:

20 Local school districts are authorized to implement a program
21 that identifies public school children who are at risk for poor
22 nutrition. Local school districts shall:

23 1. Have a sufficient number of certified teachers available to
24 provide nutrition instruction to students. Training for nutrition

1 instruction shall be provided to each school by volunteer members
2 from the Oklahoma Dietetic Association using federally approved and
3 available materials;

4 2. Have a sufficient number of current school staff or school
5 volunteers trained in taking a body mass index (BMI) to meet the
6 requirements contained in paragraph 3 of this section. During an
7 initial period, training in measuring BMI shall be provided to a
8 select number among current school staff or school volunteers by the
9 University of Oklahoma Prevention Research Center. All future
10 training shall be provided by experienced school staff or school
11 volunteers, using methods approved by the Center for Disease Control
12 and Prevention;

13 3. Beginning the 2010-2011 school year, complete a BMI for age,
14 on an annual basis, for every student enrolled in kindergarten
15 through grade nine, unless a parent or guardian has requested
16 written exclusion from such testing;

17 4. Provide each student's parent or guardian with a
18 confidential health report that includes the result of the student's
19 BMI for age screening, along with basic educational information
20 explaining the results. In the event the student's results indicate
21 a five (5) or lower or ninety-five (95) or greater on the BMI
22 percentage scale, the health report shall also require that the
23 parent or guardian provide a physical exam for that student,
24 conducted by a licensed physician, and attend one nutrition

1 counseling session conducted by volunteer members from the Oklahoma
2 Dietetic Association; and

3 5. Transmit the results of the testing for each student to the
4 RIGHTTRACK Oversight Committee. The results shall specifically
5 exclude the individual names of each student.

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 24-100h of Title 70, unless
8 there is created a duplication in numbering, reads as follows:

9 A. There is hereby created the RIGHTTRACK Oversight Committee.
10 The purpose of the RIGHTTRACK Oversight Committee is to provide all
11 procedures, information, and instructional support necessary to
12 implement the requirements of the RIGHTTRACK Act, in consideration
13 of policies and in cooperation with the State of Arkansas staff,
14 including the Arkansas Surgeon General.

15 B. The Committee shall consist of sixteen (16) members,
16 including a chair, to be appointed by the Governor. Of the sixteen
17 members, four shall hold the position of dean in a college in this
18 state that receives State Aid.

19 C. Members of the Committee shall serve for a thirty-month
20 term. A vacancy on the Committee shall be filled by the Governor.

21 D. Original appointments to the Committee shall be made by
22 September 1, 2009. The chair of the Committee shall convene the
23 first meeting on or before November 1, 2009.

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1 E. A majority of the members present at a meeting shall
2 constitute a quorum to do business.

3 F. Members of the Committee shall receive no compensation for
4 their service, but shall receive travel reimbursement by the
5 Governor's Office pursuant to the State Travel Reimbursement Act.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 24-100i of Title 70, unless
8 there is created a duplication in numbering, reads as follows:

9 A. There is hereby created the RIGHTTRACK Advisory Committee.
10 The purpose of the RIGHTTRACK Advisory Committee is to provide
11 community awareness and to provide information concerning the
12 RIGHTTRACK Act to the general public. The Committee shall also
13 ensure that BMI statistical information is available on the website
14 of the State Department of Health.

15 B. The Committee shall consist of two (2) members, both
16 appointed by the Governor. The Governor shall select one member to
17 be chair. One member shall be an employee of the State Department
18 of Health and one member shall be an employee of the State
19 Department of Education. The two members of the Committee shall
20 designate, as necessary, additional employees from their respective
21 agencies.

22 C. The two members of the Committee shall serve at the pleasure
23 of the Governor.

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1 D. Original appointments to the Committee shall be made by
2 September 1, 2009. The chair of the Committee shall convene the
3 first meeting on or before November 1, 2009.

4 E. Members of the Committee shall receive no compensation for
5 their service, but shall receive travel reimbursement by the
6 Governor's Office pursuant to the State Travel Reimbursement Act.

7 SECTION 6. This act shall expire on October 31, 2014. At such
8 time, the Legislature shall examine data to determine the
9 effectiveness of the act.

10 SECTION 7. This act shall become effective November 1, 2009.

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