

Linda Stoikes
Family Nurse Practitioner
Oshkosh Area School District
920-424-0018

The last fourteen years I have been a district nurse in the Oshkosh Area School District. I am in charge of the health services for 7 schools and work with numerous staff both regular and special education ranging from early childhood through high school. During this time I have been directly involved when staff has been exposed to any blood or body fluids. I help staff walk through a maze of blood testing, waiting for results, and follow-up testing. I am also often times the person who contacts the source of their exposure and ask them if they will consent to testing to rule out any disease that the teacher may have come in contact with from this exposure. I help the teacher try to deal with the psychological impact this exposure has brought to their life and their families lives. Now compound all of this with a source person who is refusing testing. Most teaching staff is unaware they do not have any rights or protection under the law in Wisconsin. If a source family refuses testing a professional teacher/school district has no legal recourse to insist testing be done.

The violence against teachers is increasing, I have seen teachers physically assaulted, bitten, and body fluids thrown at them. One staff member recently had a needle stick from a large needle that was left in a locker. This needle was used by a student who did body piercings on at least 30 other students. The needle had not been sterilized between students. The teacher is potentially exposed to 30 other individuals who we do not know what other risky behaviors they are engaging in. The parent of the student who owned the needle is not only refusing testing on her child, but refuses to give us the names of the 30 other students who were pierced.

There isn't any law in the state of Wisconsin that protects teacher's health care right to know. Teachers need to be afforded the same rights as health care workers. The comfort of knowing if you have been exposed to a disease is invaluable for the teacher and their family.

I am asking that you give teachers the right to know. This knowledge may save them from years of testing and the anguish of not knowing when or if they will test positive for some life altering disease. Give them the same rights that I as a health care

worker have. Remember this may be your daughter, son or wife who has been exposed to an individual who will change their life forever.

Thank your for your help and consideration in this matter.

WISCONSIN EDUCATION ASSOCIATION COUNCIL

Affiliated with the National Education Association

*Every kid
deserves a
Great School!*

TO: Members of Senate Health, Children, Families, Aging and Long-Term Care Committee

FR: Bob Burke, Legislative Program Coordinator
Wisconsin Education Association Council

DA: Thursday, September 4, 2003

RE: **Support for 2003 Senate Bill 230**

The mission of the Wisconsin Education Association Council is to promote respect and support for quality public education and to provide for the professional and personal growth and economic welfare of members. WEAC's support of this mission is governed by our constitution and bylaws and modified through a resolution process at our annual Representative Assembly. This assembly of nearly 1,000 delegates represents every local in the state and sets our course for general policy guidelines of the organization.

WEAC resolution A-23 outlines our organization's position on comprehensive educational programs concerning AIDS and the HIV virus and has been in effect since 1993. It reads:

WEAC Resolution A-23: AIDS Guidelines

The WEAC encourages schools to implement comprehensive educational programs concerning AIDS and the HIV virus. These programs should encompass prevention options. The Council further believes that students and education employees should not be denied access to public education nor be penalized with loss of employment opportunities because the individual suffers from AIDS or has the HIV virus. Furthermore, the Council opposes mandatory/involuntary AIDS testing of students and school employees.

WEAC supports SB 230 because it would require mandatory testing only under very limited, extraordinary circumstances in order to safeguard our members' interests. WEAC is opposed to mandatory testing that is not directed at redressing a specific situation such as that contemplated by sec. 252.15, Wis. Stats. and that is not subject to the procedural safeguards contained in that statute. When an educational employee has used universal safety precautions and a physician has certified that the employee was significantly exposed (that is, who sustained a contact that carries a potential for transmission of human immunodeficiency virus, the virus that causes acquired immunodeficiency syndrome) while performing employment duties, that employee should have access to the protections afforded by sec. 252.15, Wis. Stats.

WEAC represents approximately 94,000 education professionals and staff in Wisconsin and is dedicated to supporting legislative policies that place kids in classrooms that work, maintain quality staff in our schools and benefit everyone. **WEAC urges your support for passage of 2003 Senate Bill 230 because we believe it will work to maintain a safe and healthy classroom environment for educators and students.**

If you have any questions regarding this statement of support for 2003 SB 230, please feel free to contact me at burkeb@weac.org or by phone at 800-362-8034 ext. 254. Thank you.


Stan Johnson, President
Michael A. Butera, Executive Director

Senate Testimony

Roessler/cosponsor LRB2174/2 re:blood test results/deadline
>7-25- 03

I am a teacher in the Oshkosh Area School District. I teach in a program called Second Chance for severely emotionally and behaviorally disabled students grades 6 through 12. All of our students have failed in the traditional school setting and have had problems in the home and community. Most have juvenile criminal records, many of them including violent behavior. They are all court ordered to attend Second Chance. I come to work each day knowing I work with a very troubled population. However, after 10 years teaching in the program, during the 2000-2001 school year I found out how little protection I had when something goes wrong.

We had a student become verbally abusive and physically aggressive and he had to be placed in one of our time-out rooms by the staff to ensure the safety of everyone else in school. While we waited for the police to come, he destroyed a desk and broke out the safety glass window which is there so staff can see to make sure students in time out are OK. In the process of breaking the window he injured himself and began bleeding. Before the police could arrive he was able to reach through the window and open the door and get out. He grabbed a baseball bat and started to return to the classroom screaming he was going to kill one of the teachers on the staff. I found myself suddenly standing just a few feet away from him. We were in the process of removing all other students from the area, and I did not want to take the chance of him getting back into the classroom before we had everyone out. I stepped in front of him and began shouting at him to put down the bat and think about what he was going to do. He was bleeding quite heavily from one arm while all this was happening. He did eventually lower the bat and began screaming his outrage at me. While he was screaming, he began waving his arms around and in the process inadvertently splashed his blood in my eye. I immediately left the classroom and went to have my



eye flushed out because I knew this was a significant blood exposure and I was working with an extremely high risk population in terms of drug use and unsafe sexual behavior.

The student was eventually apprehended by the police, but only after he chased other staff members out of the classroom, completely contaminated the classroom with his blood, and smashed the window of the school van with the bat. Students had to be sent home, parents had to be contacted, and a cleaning crew had to come in to make the school safe again. I knew I had to be tested for HIV, Hepatitis B and C immediately as our school policy mandates. While talking to the police officer for his report, I asked that the student be tested also. Little did I know that this was just the start of my nightmare when it came to getting the information I needed to see if I had been exposed to any of these diseases.

I returned to the administration building after my blood work was done and found out I had no legal right to ask for the student to be tested. I found out that educators were not part of the protected professions when it came to blood borne pathogens. Even though I sit through a blood borne pathogen in-service every year and had done everything correctly, there was no law in effect to protect me. The next month became one of extreme anxiety for my entire family and me as we slowly worked our way through the court system to try to obtain this information. I had to leave school twice and go to court and listen to the DA plead my case for needing this information. Because they have an enormous caseload, I rarely had the opportunity to talk directly to the Assistant DA prosecuting the case. Every time I went to court, I had to hope she would ask for what I needed. I had to obtain documentation from my personal doctor indicating we needed this information. I spent countless hours on the phone with Patti Yana, my teacher defense union representative, because I was always going to court without legal representation. The student had a lawyer and there was a prosecutor, but again I never had my own legal representation. We had to strategize what had to be done on our own. I had to obtain the information from the Center for Disease Control on the protocol for testing after a significant exposure and get it to the DA and hope that it would be submitted during the hearings and court-

ordered. I had to be in the courtroom when the student was sentenced and listen to his father whisper in my ear "Are you happy now?" when the blood work was finally ordered. We both had to be tested for the next 6 months so my blood relationship with this student continued even though he was placed in Lincoln Hills for this incident.

Ironically, a few years earlier I had had a very personal education about HIV and AIDS as my family and I spent two and one half years watching my best friend die of the disease. This knowledge turned out to be a double-edged sword. Knowing what to do helped me during and immediately after the incident. Knowing what the **disease could do** put unbelievable stress on my family, particularly my children, as we waited for a decision about if I would be given the right to know if I was exposed. We then had to ride out the six-month testing process. I am fully aware of the necessity to protect the privacy of AIDS victims. This is not about random AIDS testing. This is about a person's need to know if she has been infected only after a significant exposure. People need to know if they have joined the community of AIDS victims. Because of my personal experiences with the disease, I have kept up on all the latest developments in trying to eradicate it. I teach the students in my Health class about the improvements in rapid testing, and how it is necessary to get tested if one has been involved in behavior that puts her at risk. It is also important to find out as quickly as possible if the person causing the exposure is positive, so immediate treatment can begin regardless of the results of your first blood test. I sat through our mandatory annual blood borne pathogen in-service last week and heard how it is imperative to begin treatment immediately if there has been an exposure. However, the most recent information I give my students is not something that I can use personally, because of the lack of protection afforded to me on the job.

This was a terrible violent event, but it was almost as distressing to find out there was absolutely no law to protect me even though I was just doing my job. I ask that you as the representatives of hundreds, maybe thousands of people that work in schools, pass the bill Senator Roessler has introduced to have school personnel added to the list of protected professions when it comes to

blood exposure. This was an extremely traumatic event and not knowing for an entire month if I was ever going to get the information I needed compounded the stress immeasurably. I hope this is a matter worthy of your attention.

Thank You.

Cheryl Hartman

WISCONSIN EDUCATION ASSOCIATION COUNCIL

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TO: Members of Senate Health, Children, Families, Aging and Long-Term Care Committee

FR: Bob Burke, Legislative Program Coordinator
Wisconsin Education Association Council

DA: Thursday, September 4, 2003

RE: **Support for 2003 Senate Bill 230**

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WEAC supports SB 230 because it would require mandatory testing only under very limited, extraordinary circumstances in order to safeguard our members' interests. WEAC is opposed to mandatory testing that is not directed at redressing a specific situation such as that contemplated by sec. 252.15, Wis. Stats. and that is not subject to the procedural safeguards contained in that statute. When an educational employee has used universal safety precautions and a physician has certified that the employee was significantly exposed (that is, who sustained a contact that carries a potential for transmission of human immunodeficiency virus, the virus that causes acquired immunodeficiency syndrome) while performing employment duties, that employee should have access to the protections afforded by sec. 252.15, Wis. Stats.

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If you have any questions regarding this statement of support for 2003 SB 230, please feel free to contact me at burkeb@weac.org or by phone at 800-362-8034 ext. 254. Thank you.

Stan Johnson, President
Michael A. Butera, Executive Director

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TO: Members of Assembly Health Committee

FR: Bob Burke, Legislative Program Coordinator
Wisconsin Education Association Council

DA: Tuesday, February 17, 2004

RE: **Support for 2003 Senate Bill 230**

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Stan Johnson, President
Michael A. Butera, Executive Director

ASSEMBLY HEALTH COMMITTEE

February 19, 2004

Senate Bill 230

417 m

**I INTRODUCED SENATE BILL 230 IN RESPONSE TO
CONCERNS EXPRESSED TO ME FROM THE OSHKOSH
SCHOOL DISTRICT.**

**THIS SCHOOL DISTRICT HAS EXPERIENCED
INCIDENTS INVOLVING STAFF MEMBERS WHO HAVE
BEEN EXPOSED TO STUDENTS' BLOOD WHILE ON THE
JOB.**

**CURRENT STATE STATUTES DO NOT PROVIDE
RECOURSE FOR SCHOOL DISTRICT EMPLOYEES TO
SUBJECT THE BLOOD TO A TEST TO DETERMINE THE
PRESENCE OF HUMAN IMMUNODEFICIENCY VIRUS
(HIV).**

**STATE STATUTES DO, HOWEVER, PROVIDE A RIGHT
TO REQUIRE TESTING TO SEVERAL OTHER
PROFESSIONALS INCLUDING: EMERGENCY MEDICAL
TECHNICIANS; FIRST RESPONDERS; FIRE FIGHTERS;
PEACE OFFICERS; CORRECTIONAL OFFICERS;
PERSONS EMPLOYED AT A SECURED CORRECTIONAL
FACILITY; SECURED CHILD CARE CARING
INSTITUTION; OR SECURED GROUP HOME; STATE
PATROL OFFICERS; JAILERS OR KEEPERS OF JAILS;
HEALTH CARE PROVIDERS; EMPLOYEES OF HEALTH
CARE PROVIDERS; AND STAFF MEMBERS OF STATE
CRIME LABORATORIES.**

**SENATE BILL 230 IS A NATURAL EXTENSION OF
CURRENT LAW.**

**SENATE BILL 230 ADDS THE FOLLOWING PEOPLE TO
THE LIST OF THOSE WHO CAN REQUIRE THAT THE
BLOOD OF THE INDIVIDUAL, TO WHOM THEY WERE
EXPOSED, BE TESTED TO DETERMINE THE PRESENCE
OF THE HIV/AIDS VIRUS:**

- **EMPLOYEES OF A SCHOOL DISTRICT**
- **COOPERATIVE EDUCATIONAL SERVICE
AGENCY**
- **CHARTER SCHOOL**
- **PRIVATE SCHOOL**
- **THE WISCONSIN SCHOOL FOR THE DEAF AND
THE WISCONSIN CENTER FOR THE BLIND AND
VISUALLY IMPAIRED**
- **SOCIAL WORKERS**

**THESE INDIVIDUALS HAVE A RIGHT TO KNOW IF
THEY HAVE BEEN EXPOSED TO THE AIDS VIRUS.
HEALTH MUST PREVAIL.**

**IT IS EXTREMELY STRESSFUL FOR A PERSON WHO
HAS BEEN EXPOSED TO ANOTHER PERSON'S BLOOD
NOT TO KNOW IF THEY HAVE BEEN EXPOSED TO
THIS VIRUS. KNOWLEDGE WILL BRING EITHER
PEACE OF MIND IF THE TEST IS NEGATIVE OR AN
OPPORTUNITY, IF THE TEST IS POSITIVE, FOR THE
EXPOSED PERSON TO GET EARLY TREATMENT.**

**YOU MAY HEAR AN ARGUMENT TODAY THAT THE
CHANCE OF BEING EXPOSED TO THE AIDS VIRUS
THROUGH AN EXPOSURE TO A SCHOOL STUDENT'S
BLOOD IS LESS THAN THE CHANCE OF BEING
STRUCK BY LIGHTENING.**

15
A

MY RESPONSE TO THAT IS: EXPOSURE EQUALS EXPOSURE.

• THE FOLLOWING REQUIREMENTS MUST BE MET BY THE PERSON REQUESTING THAT ANOTHER PERSON BE TESTED FOR HIV:

- THE USE OF UNIVERSAL PRECAUTIONS AGAINST A SIGNIFICANT EXPOSURE AT THE TIME OF THE SIGNIFICANT EXPOSURE.**
- CERTIFICATION IN WRITING BY A PHYSICIAN THAT THE AFFECTED PERSON WAS SIGNIFICANTLY EXPOSED.**
- SUBMITTAL TO A TEST FOR THE PRESENCE OF HIV WITHIN A SPECIFIED TIME PERIOD.**

IN ADDITION, THE TEST CAN ONLY BE REQUESTED IF PREVIOUSLY DRAWN BLOOD FROM THE INDIVIDUAL IS AVAILABLE. IF THIS IS NOT THE CASE, THE

**EXPOSED PERSON WOULD HAVE TO GET A COURT
ORDER TO REQUIRE TESTING.**

**GIVEN THE INCREASE OF VIOLENCE IN SCHOOLS,
THIS BILL MAKES SENSE. TEACHERS AND OTHER
EMPLOYEES OF A SCHOOL DISTRICT SHOULD BE
ABLE TO TAKE EVERY PRECAUTION NECESSARY TO
ENSURE HE OR SHE HAS NOT BEEN INFECTED WITH
HIV AFTER A SIGNIFICANT EXPOSURE TO ANOTHER
PERSON'S BLOOD.**

I HOPE THAT YOU WILL SUPPORT THIS BILL.

THANK YOU.



Rep 9

transmission
= need to

Handwritten notes and signatures, including a star symbol and the name 'Carol'.

Carol-

ASSEMBLY AMENDMENT
TO 2003 SENATE BILL 230

This amendment
will be offered by
Rep. Schilling
tomorrow @ the
Assembly Health
Committee hearing.

Handwritten notes: "HIV/AIDS growing", "Place assistance in it", "267,000 age 19", "lim 1,000", "Program last year", "Funded in 2004".

HIV/AIDS testing bill

Handwritten note: "Sign off" with an arrow pointing to the amendment title.

Can show upright and any

Handwritten notes: "Hearing must follow", "Sitting ducks", "effort to own", "Don".

Handwritten note: "Empowering 2003 SBP"

At the locations indicated, amend the bill as follows:

1. Page 4, line 2: after that line insert:

"SECTION 3m. 252.15 (2) (a) 7. d. of the statutes is amended to read:

252.15 (2) (a) 7. d. The court is not required to order the individual to submit to a test under subd. 7. c. if the court finds substantial reason relating to the life or health of the individual not to do so and states the reason on the record. The court is not required to order the individual to submit to a test under subd. 7. c. if the

individual is a minor, a parent of the minor objects to the test, and the person who was significantly exposed is a social worker or an employee of a school district, cooperative educational service agency, charter school, private school, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, or the Wisconsin

Significantly weakens the bill.

BILL

those persons must meet include the use of universal precautions against significant exposure at the time of the significant exposure, certification in writing by a physician that the affected person was significantly exposed, and submittal to a test for the presence of HIV within a specified time period. If previously drawn blood from the individual to whom the person was exposed is unavailable, the person may request a court order requiring the individual to submit to a test; after a hearing, a court may order the testing to proceed.

This bill permits employees of a school district, cooperative educational service agency, charter school, private school, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the Wisconsin Center for the Blind and Visually Impaired, or social workers who, while performing employment duties involving an individual, are significantly exposed to the individual, to subject the blood of the individual to whom they are exposed to a test for the presence of HIV.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 252.15 (1) (ab) of the statutes is amended to read:

2 252.15 (1) (ab) "Affected person" means an emergency medical technician; first
3 responder; fire fighter; peace officer; correctional officer; person who is employed
4 at a secured correctional facility, as defined in s. 938.02 (15m), a secured child caring
5 institution, as defined in s. 938.02 (15g), or a secured group home, as defined in s.
6 938.02 (15p); state patrol officer; jailer ~~or~~ keeper of a jail, or person designated with
7 custodial authority by the jailer or keeper; health care provider; employee of a
8 health care provider ~~or~~; staff member of a state crime laboratory; social worker; or
9 employee of a school district, cooperative educational service agency, charter school,
10 private school, the Wisconsin Educational Services Program for the Deaf and Hard
11 of Hearing, or the Wisconsin Center for the Blind and Visually Impaired.

12 **SECTION 2.** 252.15 (1) (er) of the statutes is created to read:

Halbur, Jennifer

From: Hartwitt [hartwitt@prodigy.net]
Sent: Tuesday, February 10, 2004 1:05 PM
To: Jennifer.Halbur@legis.state.wi.us
Subject: SB 230

Jennifer,

Below is the latest correspondence from WEAC. I am not sure if Aids Resource Center of WI is a new group opposing the bill or if they were there for the Senate hearings. Would you please make Sen. Roessler aware of this? I am not sure how they want to change the language, since it is my understanding OSHA has determined what a significant exposure is and when a person has to be tested. At least I think that is how it works for the many other professions already covered by the existing law. Again, I find myself at odds with my own union. I simply cannot understand how so many professions have made the law work for them, but teachers are having such a difficult time understanding its importance. If someone would have told me 3 years ago that I would be totally frustrated with my union, and come to rely on and trust a Republican Senator I would have told them they were crazy. What a long strange trip it's been.

Here is the latest junk.

Thanks,
Cheryl

Hello Patti and everyone;

It was good to hear from you again. Congratulations, SB 230 may be on the move! A copy of the WEAC statement for distribution at the hearing is attached to this e-mail per your request. Diane Craney, our lead person on health issues, will be at the hearing next Tuesday. Please feel free to follow-up with Diane on logistics for the day. Otherwise, she will plan to see you there. Diane will bring enough copies of the WEAC statement for distribution to the committee.

Also, just so you are informed, we did receive another call from the Aids Resource Center of WI. This group opposes the bill in its current form. Their lobbyist was seeking amendments to clarify language in the bill governing when the testing of blood is required. I left him a message to say that WEAC is always willing to hear from organizations concerned with the well being of individual rights, but that our core position in support of SB 230 remains unchanged.

If the Aids Resource Center of WI produces an amendment, we'll be sure to forward a copy for your review. Our position has been that if the Aids Resource Center can get the authors to agree on an amendment that improves the bill's application without harming its intent, WEAC would not be a "blocker" of that move. However, if any amendments are seen as too broad in scope and actually damaging to the bill's chances of passage, WEAC would oppose the amendment. Thanks.

Bob.

Bob Burke,
Legislative Program Coordinator
WEAC Center for Public Affairs
(800) 362-8034 ext. 254
Fax: (608) 276-8203
Homepage: www.weac.org

02/10/2004

The Wisconsin School Counselor Association



Lee Fahrney

President - Elect 2002 - 2003

President - 2003 - 2004

Past President - 2004 - 2005

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Criticism of AIDS bill is riddled with inaccuracies

Andy Sampson's letter addressing the HIV/AIDS bill is riddled with inaccuracies.

He seems to believe that teachers are asking that the health status of any student suffering from HIV/AIDS be made available to them. Nothing could be further from the truth.

This bill is asking that school personnel, who accidentally suffer a significant exposure to a student's blood or bodily fluids, be allowed to find out if they have been exposed to any diseases carried by blood borne pathogens.

This law can be used only if there has been a significant exposure, which OSHA determines.

Mr. Sampson is confused about how HIV/AIDS is taught in the health curriculum in schools. I teach health. My students know they are among the most at-risk group there is today. I thought most people realized that "the gay plague" became a myth in the 1990s. It is insulting to think educators would be that ignorant or insensitive to imply only certain groups are at risk.

Our goal is to make sure our students have the latest information to keep them safe.

He also suggests that we have better training when it comes to

handling blood borne pathogen situations. Our staff followed OSHA guidelines to the letter after an exposure. Still, I found I had no protection, unlike a police officer, a fire fighter, a prison guard, or a group home employee, etc. would have.

Mr. Sampson seems to think that obtaining that information as a teacher is a violation of the student's rights. What about the teacher's rights? Teachers have absolutely no desire to add any suffering or stigma to those unfortunate people who suffer from HIV/AIDS.

We just want to know if we have joined their ranks if something goes wrong, so we can begin treatment immediately.

Cheryl Hartman
Oshkosh

support us in this action since we are not a union

Posted Jan. 21, 2004

Letters: Criticism of AIDS bill is riddled with inaccuracies

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@TX N Letters name,town:Cheryl Hartman **Oshkosh**