



1995 SENATE BILL 469

December 20, 1995 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Health, Human Services and Aging.

1 **AN ACT to repeal** 120.12 (16) (a); **to renumber** 120.12 (16) (b); **to amend** 252.04
2 (5) (a) and 252.04 (6); and **to create** 120.12 (25) of the statutes; **relating to:**
3 immunization requirements and the adoption of school health plans.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the joint legislative council in the bill.

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

PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee on school health services. The bill contains provisions relating to changes in immunization requirements and the adoption of school health plans.

1. Changes in Immunization Requirements

The department of health and social services (DHSS) administers a statewide immunization program to eliminate mumps, measles, rubella (German measles), diphtheria, pertussis (whooping cough) and poliomyelitis, and protect against tetanus. [See s. 252.04 (1).] Schools are directly involved in monitoring compliance with this program.

This bill contains several modifications to the existing statutes relating to immunizations. Specifically, the bill does the following:

a. *Repeals* the requirement that school districts prepare an annual immunization plan and submit the plan to the DHSS [SECTION 1].

b. *Eliminates* the requirement that school districts and other entities covered by the law provide a second notice to a parent, guardian or legal custodian "by the 15th school day" for any minor student who has not met the immunization or waiver requirements [SECTION 4]. Under current statutes, *by the 15th and 25th school day after the student is admitted* to the school, day care center or nursery school, that school must notify in writing any adult student or the parent, guardian or legal custodian of any minor student who has not met the immunization or waiver requirements of the statute. [See s. 252.04

(5) (a).] The bill retains the requirement that notice be provided “by the 25th day” after admittance of a student.

c. *Modifies* the current parental notice to require that it also state that “*referral to the district attorney*” could result due to noncompliance. Currently, the notice must state that “...court action and forfeiture penalty” could result due to noncompliance [SECTION 4].

d. *Reduces* the time period for referral of noncompliance to the district attorney by a student from “*within 60 school days*” to “*within 45 school days*” after being admitted to the school except for entities located in 1st class cities (Milwaukee). For such entities, the current requirement of referral to the district attorney “within 60 school days” is retained [SECTION 5]. It should be noted that the current statutes do *not* require that a school wait for 45 or 60 days to make the referral; it requires that the referral be made “within” the specified period.

e. *Provides* that the provisions relating to immunization notices and referrals will first apply to students admitted during the 1996-97 school year.

2. *Adoption of School Health Services Plan*

The bill requires each public school district to adopt a school health services plan by January 1, 1997. [SECTION 3].

1 **SECTION 1.** 120.12 (16) (a) of the statutes is repealed.

NOTE: This SECTION repeals the current provision that requires school districts to prepare an annual immunization plan and to submit the plan to DHSS. That section reads as follows:

“120.12 (16) (a) In cooperation with local health departments, as defined in s. 250.01 (4), develop and implement a plan to encourage compliance with par. (b) and s. 252.04 (2) and submit the plan to the department of health and social services by September 1, 1991, and annually thereafter.”.

2 **SECTION 2.** 120.12 (16) (b) of the statutes is renumbered 120.12 (16).

3 **SECTION 3.** 120.12 (25) of the statutes is created to read:

4 **120.12 (25) HEALTH SERVICES PLAN.** By January 1, 1997, adopt a school health
5 services plan.

NOTE: This SECTION requires a school district, by January 1, 1997, to adopt a school health services plan.

6 **SECTION 4.** 252.04 (5) (a) of the statutes is amended to read:

7 **252.04 (5) (a)** By ~~the 15th~~ and the 25th school day after the student is admitted
8 to a school, day care center or nursery school, the school, day care center or nursery
9 school shall notify in writing any adult student or the parent, guardian or legal
10 custodian of any minor student who has not met the immunization or waiver
11 requirements of this section. The notices notice shall cite the terms of those
12 requirements and shall state that referral to the district attorney, court action and

1 forfeiture penalty could result due to noncompliance. The ~~notices~~ notice shall also
2 explain the reasons for the immunization requirements and include information on
3 how and where to obtain the required immunizations.

NOTE: Current law requires school districts, day care centers and nursery schools to provide 2 notices to a parent, guardian or legal custodian by the *15th and 25th school day* after the admittance of the student if that student has not met the applicable immunization or waiver requirements. This bill eliminates the notice "by the 15th day" and *retains* the requirement that notice of noncompliance be provided "by the 25th school day" after admittance of a student.

The SECTION also specifies that the notice must also state that "*referral to the district attorney*" could result due to noncompliance. Currently, the notice must state that "...court action and forfeiture penalty" could result due to noncompliance.

The SECTION also changes the plural term "notices" to "notice" to reflect the elimination of one of the required notices.

4 **SECTION 5.** 252.04 (6) of the statutes is amended to read:

5 252.04 (6) The school, day care center or nursery school shall notify the district
6 attorney of the county in which the student resides of any minor student who fails
7 to present written evidence of completed immunizations or a written waiver under
8 sub. (3) within ~~60~~ 45 school days, or within 60 school days if the school, day care
9 center or nursery school is located in a 1st class city, after being admitted to the
10 school, day care center or nursery school. The district attorney shall petition the
11 court exercising jurisdiction under ch. 48 for an order directing that the student be
12 in compliance with the requirements of this section. If the court grants the petition,
13 the court may specify the date by which a written waiver shall be submitted under
14 sub. (3) or may specify the terms of the immunization schedule. The court may
15 require an adult student or the parent, guardian or legal custodian of a minor
16 student who refuses to submit a written waiver by the specified date or meet the
17 terms of the immunization schedule to forfeit not more than \$25 per day of violation.

NOTE: This SECTION *reduces* the time period for referral of noncompliance by a student to the district attorney from "within 60 school days" to "within 45 school days" of admittance to the school except for a school, day care center or nursery school located in a 1st class city (Milwaukee). In a 1st class city, current law is retained and referral must occur within 60 school days of admittance. It should be noted that the current

