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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2001-02**

(session year)

**Assembly**

(Assembly, Senate or Joint)

**Committee on ... Children and Families (AC-CF)**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (May 2012)

## Assembly

### Record of Committee Proceedings

#### **Committee on Children and Families**

##### **Assembly Bill 96**

Relating to: physical health examinations of pupils.

By Representatives Rhoades, Gronemus, Kestell, Huebsch, Gundrum, M. Lehman, Duff, Ainsworth, Ladwig, Albers, Krawczyk, Loeffelholz, Friske, Kedzie, Urban, McCormick, Jeskewitz, Olsen, Gunderson, Hundertmark, Owens, Williams, Grothman, D. Meyer, La Fave, Pettis, Nass, Vrakas, Powers and Leibham; cosponsored by Senators Darling, Roessler, Zien and Schultz.

February 6, 2001      Referred to Committee on Children and Families.

March 1, 2001      **PUBLIC HEARING HELD**

Present:    (8)      Representatives Kestell, Lippert, Bies,  
Grothman, Jeskewitz, Miller, Coggs and  
Sinicki.

Absent:    (0)      None.

##### Appearances for

- Marvin Munyon, Family Research Forum/Institute
- Representative Kitty Rhoades, 30th District

##### Appearances against

- None.

##### Appearances for Information Only

- None.

##### Registrations for

- Daniel Schlichting, Milwaukee, WI

##### Registrations against

- None.

March 1, 2001      **EXECUTIVE SESSION**

Present:    (8)      Representatives Kestell, Lippert, Bies,  
Grothman, Jeskewitz, Miller, Coggs and  
Sinicki.

Absent:    (0)      None.

Moved by Representative Jeskewitz, seconded by Representative Grothman, that **Assembly Bill 96** be recommended for passage.

Ayes: (5) Representatives Kestell, Lippert, Bies,  
Grothman and Jeskewitz.

Noes: (3) Representatives Miller, Coggs and Sinicki.

Absent: (0) None.

PASSAGE RECOMMENDED, Ayes 5, Noes 3, Absent 0

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Dave Matzen  
Committee Clerk

# Vote Record

## Assembly - Committee on Children and Families

Date: 3-1-01

Bill Number: AB 96

Moved by: Rep. Jeskewitz Seconded by: Rep. Grothman

Motion: passage of bill

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Steve Kestell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. MaryAnn Lippert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Garey Bies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Suzanne Jeskewitz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Miller	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Christine Sinicki	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u><del>2</del> 3</u>	<u>2</u>	<u>2</u>

Motion Carried

Motion Failed

# History of Assembly Bill 96

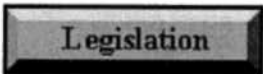
ASSEMBLY BILL 96

An Act to renumber and amend 118.25 (3); and to create 118.25 (3) (b) of the statutes; relating to: physical health examinations of pupils.  
(FE)

2001

- 02-06. A. Introduced by Representatives Rhoades, Gronemus, Kestell, Huebsch, Gundrum, M. Lehman, Duff, Ainsworth, Ladwig, Albers, Krawczyk, Loeffelholz, Friske, Kedzie, Urban, McCormick, Jeskewitz, Olsen, Gunderson, Hundertmark, Owens, Williams, Grothman, D. Meyer, La Fave, Pettis, Nass, Vrakas, Powers and Leibham; cosponsored by Senators Darling, Roessler, Zien and Schultz.
- 02-06. A. Read first time and referred to committee on Children and Families ..... 64
- 02-12. A. Fiscal estimate received.

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# State of Wisconsin Department of Public Instruction

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John T. Benson  
State Superintendent

Steven B. Dold  
Deputy State Superintendent

February 27, 2001

The Honorable Steve Kestell, Chair  
Assembly Children and Families Committee  
P.O. Box 8952  
Madison, WI 53708

Dear Representative Kestell :

The Wisconsin Department of Public Instruction is writing for informational purposes on Assembly Bill 96, relating to physical health examinations of pupils. We are not aware of any specific incident in Wisconsin that prompts the necessity of this bill, nor are we aware of any school board that requires periodic health examinations of pupils by a physician. However, we have questions and concerns for the committee's consideration.

1. **The language of AB 96 does not make it clear if nurses functioning under medical protocols of physicians would be included in the definition of physician.** There is a variety of health exams conducted in schools by registered nurses, rather than directly by physicians. These nurses, who are either hired or contracted by the school board to provide health services, generally function under medical protocols established by the district physician advisor. Most of these exams are not scheduled but are conducted to rule out the presence of a communicable disease, provide first aid, or determine a health barrier to learning for a specific student. *Are nurses conducting these exams included in the definition of physician? Would these nurses be permitted to conduct such examinations if AB 96 were enacted?*
2. **The content of AB 96 does not clearly articulate which type of exam, or if all types of exams, would require active parental permission.** The department is concerned that the inclusion of the language on page 2, lines 12 and 13 ("... may not conduct **any examination** for which the adult pupil or the parent or guardian of a minor pupil has not consented in writing") would appear to broaden the requirement for consent to any exam and not just scheduled **periodic** exams by physicians. *Would this be the case?*

We welcome the opportunity to be of assistance and to provide clarification of this information as needed.

Sincerely,

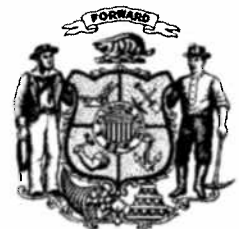
John T. Benson  
State Superintendent

JTB:mjt

cc: Representative Kitty Rhoades  
Members, Assembly Committee on Children and Families



# WISCONSIN STATE LEGISLATURE



# **Assembly Republican Majority Bill Summary**

## **AB 96: Physical Health Examinations of Pupils**

**Relating to:** physical health examinations of pupils.

**By Representatives** Rhoades, Gronemus, Kestell, Huebsch, Gundrum, M. Lehman, Duff, Ainsworth, Ladwig, Albers, Krawczyk, Loeffelholz, Friske, Kedzie, Urban, McCormick, Jeskewitz, Olsen, Gunderson, Hundertmark, Owens, Williams, Grothman, D. Meyer, La Fave, Pettis, Nass, Vrakas, Powers and Leibham; cosponsored by **Senators** Darling, Roessler, Zien and Schultz.

**Date:** March 20, 2001

### **BACKGROUND**

Under current law, in a county with a population of less than 500,000, a school board may require periodic health examinations of pupils by physicians.

### **SUMMARY OF AB 96**

Assembly Bill 96 allows a school board to require that a pupil be examined by a physician only if the school board provides a schedule of exams to the pupil's parent or guardian before the start of the school term and obtains the written consent of the pupil's parent or guardian for a specific examination.

The school board may conduct an additional examination by providing the parent or guardian with a revised schedule and obtaining the parent or guardian's written consent to conduct the additional examination.

### **FISCAL EFFECT**

A fiscal estimate prepared by the Department of Public Instruction states that because it is unknown how many school districts may choose to conduct physical examinations on pupils, the local fiscal effect of this bill is indeterminable.

The department is unaware of any school board that currently requires periodic health examinations by physicians. Unless districts begin this practice, this bill would have no fiscal effect.

### **PROS**

1. The bill provides for more input by the parent or guardian into a health examination of their child by a physician.
2. AB 96 would allow for added protection of the school board in the case of a fine or lawsuit.
3. The proposal demands parental consent as a precautionary measure.

### **CONS**

1. School boards do not yet require a periodic health examination of pupils by physicians, so the bill may be unnecessary. .



## **SUPPORTERS**

Representative Kitty Rhoades, author; Senator Darling, lead co-sponsor; Marvin Munyon, Family Research Forum/Institute.

## **OPPOSITION**

No one testified or registered against AB 96.

## **HISTORY**

Assembly Bill 96 was introduced on February 13, 2001, and referred to the Assembly Committee on Children and Families. A public hearing and executive session were held on March 1, 2001. The Committee voted 5-3 to recommend passage of AB 96 [Rep. Miller, Coggs, Sinicki voting no.]

**CONTACT:** Dave Matzen, Representative Kestell's Office