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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2003-04

(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)

Moved by Representative Ladwig, seconded by Representative Jeskewitz that **Assembly Amendment 0485/2** be recommended for introduction.

Ayes: (8) Representatives Kestell, Ladwig, Albers,
Jeskewitz, Vukmir, Sinicki, Miller and Krug.
Noes: (0) None.

INTRODUCTION OF ASSEMBLY AMENDMENT 0485/2
RECOMMENDED, Ayes 8, Noes 0

Moved by Representative Ladwig, seconded by Representative Jeskewitz that **Assembly Amendment 0485/2** be recommended for adoption.

Ayes: (5) Representatives Kestell, Ladwig, Albers,
Jeskewitz and Vukmir.
Noes: (3) Representatives Sinicki, Miller and Krug.

ASSEMBLY AMENDMENT 0485/2 ADOPTION
RECOMMENDED, Ayes 5, Noes 3

Moved by Representative Ladwig, seconded by Representative Jeskewitz that **Assembly Bill 86** be recommended for passage as amended.

Ayes: (5) Representatives Kestell, Ladwig, Albers,
Jeskewitz and Vukmir.
Noes: (3) Representatives Sinicki, Miller and Krug.

PASSAGE AS AMENDED RECOMMENDED, Ayes 5, Noes 3



David Matzen
Committee Clerk

Vote Record

Committee on Children and Families

Date: 5-28-03

Moved by: beding

Seconded by: Jashwitz

AB 86

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for: (as amended)

- Passage
- Adoption
- Confirmation
- Concurrence
- Indefinite Postponement
- Introduction
- Rejection
- Tabling
- Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Steve Kestell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Bonnie Ladwig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sheryl Albers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Suzanne Jeskewitz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Leah Vukmir	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Christine Sinicki	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Miller	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Shirley Krug	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>3</u>	<u>0</u>	<u>0</u>

Vote Record

Committee on Children and Families

Date: 5-28-03

Moved by: Ladwig Seconded by: Tedwitz

AB 86 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt 1
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for: lines 2-3
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Steve Kestell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Bonnie Ladwig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sheryl Albers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Suzanne Jeskewitz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Leah Vukmir	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Christine Sinicki	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Miller	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Shirley Krug	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>3</u>	_____	_____

Vote Record

Committee on Children and Families

Date: 5-28-03

Moved by: Krug

Seconded by: Jeskewitz

AB 86

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt 1

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt lines to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for: (4-9)

- Passage
- Introduction
- Adoption
- Rejection
- Confirmation
- Tabling
- Concurrence
- Nonconcurrence
- Indefinite Postponement

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Steve Kestell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Bonnie Ladwig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sheryl Albers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Suzanne Jeskewitz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Leah Vukmir	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Christine Sinicki	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Shirley Krug	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>	<u>0</u>	_____	_____

Vote Record

Committee on Children and Families

Date: 5-28-03

Moved by: Ladwig

Seconded by: Jeskewitz

AB 86 (lines 2+3) SB _____

Clearinghouse Rule _____

AJR _____ SJR _____

Appointment _____

AR _____ SR _____

Other _____

A/S Amdt 1

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
- Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Steve Kestell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Bonnie Ladwig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sheryl Albers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Suzanne Jeskewitz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Leah Vukmir	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Christine Sinicki	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Shirley Krug	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>8</u>	<u>0</u>	_____	_____

History of Assembly Bill 86

ASSEMBLY BILL 86

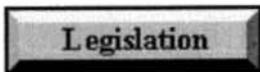
LC Amendment Memo

An Act to renumber and amend 118.25 (3); to amend 119.04 (1); and to create 118.25 (3) (b) of the statutes; relating to: physical health examinations of pupils. (FE)

2003

02-20.	A.	Introduced by Representatives Rhoades, Loeffelholz, Ward, Ladwig, Jensen, Stone, Gronemus, Ainsworth, Freese, Hahn, Albers, Suder, Krawczyk, Grothman, Townsend, Owens, Vrakas, Hines, Hundertmark, Petrowski, Lothian, J. Wood and Gunderson; cosponsored by Senators Kanavas, Zien, Lazich, Leibham, Kedzie, A. Lasee and Stepp.	
02-20.	A.	Read first time and referred to committee on Children and Families	72
03-07.	A.	<u>Fiscal estimate received.</u>	
04-17.	A.	Public hearing held.	
04-29.	A.	Assembly amendment <u>1</u> offered by Representative Rhoades	168
05-28.	A.	Executive action taken.	
05-28.	A.	Assembly amendment <u>2</u> offered by committee on Children and Families	216
06-03.	A.	Report Assembly Amendment <u>2</u> adoption recommended by committee on Children and Families, Ayes 5, Noes 3	232
06-03.	A.	Report passage as amended recommended by committee on Children and Families, Ayes 5, Noes 3	232
06-03.	A.	Referred to committee on Rules	232

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State of Wisconsin
Department of Public Instruction

Elizabeth Burmaster
State Superintendent

Mailing Address: P.O. Box 7841, Madison, WI 53707-7841
125 South Webster Street, Madison, WI 53702
(608) 266-3390 TDD (608) 267-2427 FAX (608) 267-1052
Internet Address: www.dpi.state.wi.us

April 11, 2003

The Honorable Steve Kestell, Chair
Assembly Committee on Children and Families
17 West State Capitol
Madison WI 53702

Dear Rep. Kestell:

I would like to take this opportunity to comment on behalf of the department on AB 86 which is up for hearing on April 17. AB 86 is best viewed as a preventive piece of legislation to ensure that there is parental notification and permission before a local school board would require a physician to examine a pupil. While there are no Wisconsin schools that presently require such examinations outside of routine exams for athletes required by the Wisconsin Interscholastic Athletic Association code, this legislation would create a system of parental involvement that could prevent unauthorized medical examinations from taking place in schools.

The second sentence of section 2 of the bill (see 2003 AB 86, page 2, lines 12-14) states: "The school board may not conduct any examination for which the adult pupil or the parent or guardian of a minor pupil has not consented in writing."

We are concerned by the breadth of this language, as it does expressly prohibit "any examination" without written consent. We can envision situations in which such an examination without advance parental notification or written permission might be desirable or required. Schools may need to conduct pupil examinations to deal with such instances as: emergency medical conditions, accidents, and injuries.

To have a blanket prohibition against the provision of "any examination" may result in either (1) a denial of such basic health care, or (2) inadvertently creating uncertainty or confusion with respect to emergency care by school personnel or physicians affiliated with the school or in attendance at a school-related activity, event, or athletic contest.

We suggest that an amendment to the legislation be prepared that would provide an exception to address these concerns. The essence of that concept is that the legislation, "does not include exams for first aid/injury or illness, or non-invasive health screenings for vision, hearing or scoliosis." We want to ensure that all school students who are under the care or supervision of the schools have access to emergency health care, which may include a medical assessment or examination, whether conducted by a physician, nurse, or other person trained in emergency aid.

Sincerely,

Linda Caldart Olson, RN, MS
School Nursing and Health Services Consultant

LCO:trg



American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™



April 16, 2003

Wisconsin Chapter
330 East Lakeside Street
PO Box 1109
Madison, WI 53701
Website: www.wisaap.org

RE: AB—86

Chapter President
Carl Eisenberg, MD, FAAP
Milwaukee Medical Clinic
Advanced Healthcare, SC
3003 W Good Hope Road
PO Box 090996
Milwaukee, WI 53209-0996
414/352-3100, x 4335
E-mail:
CEisenberg@AAPSCOT.org

Chapter Vice President
Hallm Hennes, MD, MS, FAAP
Emergency Medicine Section
Department of Pediatrics
Medical College of Wisconsin
9000 W. Wisconsin Ave - MS#677
Milwaukee, WI 53226
414/266-2629
E-mail: hhennes@mail.mcw.edu

Chapter Secretary/Treasurer
Jeffrey H. Lamont, MD, FAAP
Department of Pediatrics
Marshfield Clinic - Wausau Center
2727 Plaza Drive
Wausau, WI 54401
715/847-3575

Chapter Executive Director
Carolyn Evenstad
808/222-7751 Phone/Fax
E-mail: cmewcaap@aol.com

Dear Members of the Assembly Committee on Children and Families,

The Wisconsin Chapter of the American Academy of Pediatrics would like to comment for information only on AB – 86. I've appended to this letter a Policy Statement from the American Academy of Pediatrics for your review.

We are concerned that AB—86 not have adverse impacts upon the need for emergency examinations (e.g., should a child be injured on the playground), examinations during public health emergencies (e.g., an outbreak of measles), or in situations of possible child abuse. Further, please consider the situation of those children with special health care needs for whom the schools are now required to care (e.g., a child who attends school but is on a ventilator via a tracheostomy.)

Thank you for this opportunity to comment.

Respectfully,

Carl Eisenberg, M.D., FAAP

Carl Eisenberg, MD, FAAP
President, WI Chapter, AAP
Enclosure

American Academy
of Pediatrics



DEDICATED TO THE HEALTH OF ALL CHILDREN

Policy Statement

Pediatrics

Volume 105, Number 4

April 2000, pp 875-877

School Health Assessments (RE9862)

AMERICAN ACADEMY OF PEDIATRICS

Committee on School Health

ABSTRACT. Comprehensive health assessments often are performed in school-based clinics or public health clinics by health professionals other than pediatricians. Pediatricians or other physicians skilled in child health care should participate in such evaluations. This statement provides guidance on the scope of in-school health assessments and the roles of the pediatrician, school nurse, school, and community.

ABBREVIATION. AAP, American Academy of Pediatrics.

The American Academy of Pediatrics (AAP) has endorsed the importance of comprehensive periodic health assessments. The AAP also has endorsed the concept of the medical home,¹ which refers to the belief that all health care for children and adolescents should be managed by 1 personal health care professional or group of professionals who assume responsibility for the ongoing care of the child. The medical home approach has been shown to improve compliance with health care recommendations and to lower the cost of health care.² The AAP also recommends that each comprehensive periodic health assessment visit beginning at 3 years of age should include attention to school health issues. Whenever possible, these assessments should be provided by the child's primary care physician at regular health supervision visits and should be performed as recommended in the *Guidelines for Health Supervision III*³ from the AAP. Additional visits may be necessary if circumstances suggest variations from normal.

Several different types of routine health assessments are performed in schools. In many schools, part of the core school health services nurses perform, often with the assistance of health aides, include mandated health screening for all students. This may include screening for vision, hearing, blood pressure, and scoliosis. If abnormalities are detected, students are referred to their medical homes for further assessment and treatment if indicated. Actions taken and recommendations for school intervention and/or follow-up must be conveyed to the school nurse so he or she can document the resolution of the situation, which initiated with the screening at school.

The school in communities where students do not have access to medical homes or a school-based health center may provide additional physical examination and assessment services. In these instances, a school nurse, public health nurse, nurse practitioner, physician assistant, or physician performs the school health assessment, often with the assistance of other allied health personnel. A pediatrician or other physician skilled in child health care should participate in the planning and supervising of these assessments. School districts that use school-based health examinations should contract with nearby pediatricians for consultation on the management of problems identified during the assessments.⁴ Each child should be examined individually (rather than in groups) to ensure adequate attention to individual problems and concerns and to protect confidentiality and the child's sense of modesty. Parents should

consent to the school health evaluation and be present, particularly in the primary grades. Adequate time should be allocated to ensure that all elements of the assessment are addressed. Schools who assume the role of the medical home for their students must partner with a pediatrician, other licensed physicians, or hospital to provide after-hours and holiday emergency or urgent care.

ELEMENTS OF COMPREHENSIVE HEALTH EXAMINATIONS RELATING TO SCHOOL HEALTH

1. An assessment on entry into school should include a review of the medical history with attention to physical, emotional, or family problems that might influence school achievement. Previous participation in preschool experiences should be included in the history. The assessment should include a careful evaluation of language, motor, social, and adaptive development and immunization status.⁵ Private physicians or physicians and mid-level health professionals used by the school system should collaborate with designated school officials to design protocols. These protocols should be used to initiate appropriate referrals available in the school or the community and provide placement in the educational system as deemed appropriate by the findings of the medical history, physical examination, and developmental assessment.
2. Subsequent visits should include a history that focuses on new medical problems, medications, changes in the child's developmental and psychosocial status, and an update on school progress and problems. The frequency of subsequent health assessments will vary depending on the child's functional status but should be in compliance with the AAP-recommended periodicity schedule for child health supervision visits.
3. A complete age-appropriate unclothed physical examination should be performed by a physician or mid-level professional. It should include, but not be limited to, the assessment of height, weight, physical and sexual maturation, and blood pressure. A screening evaluation should be performed to evaluate visual acuity, auditory acuity, emotional maturity, language, dental condition, and motor skills.⁶ Any abnormal findings should be monitored by the physician.
4. In the United States, children of various ages participate in sports or physical education sponsored by the school. It is important for the health care professional to be familiar with the physical assessment and requirements to appropriately approve participation in such activities. This assessment should be combined with the health examination and interval history when possible, although it may be performed separately. In any case, the uniqueness of a detailed comprehensive physical examination that includes endurance and muscular assessment must be recognized. Specific descriptions of such an assessment are available.^{7,8}
5. The health examination should identify specific health needs and problems that might require cooperation among community resources, and school officials may want to organize the community health professionals and community resources to integrate services available and provide easy access to these services. These services may support administration of medications, physical therapy, problems with access to buildings, anticipated absences, behavioral and emotional needs, special location in class (eg, for visual or auditory problems), or other conditions requiring the assistance of the classroom teacher or school nurse. Easy access to the services will become more important as increasing numbers of chronically ill or disabled students or students with special needs attend classes in their neighborhood schools. The frequency with which these issues are reviewed will depend on the student's specific needs. Direct communication among school personnel, parents, and the physician should occur to determine the requirements of children with special health care needs.
6. Anticipatory guidance for students and parents for physical fitness, nutrition, cardiovascular risk reduction, injury and violence prevention, sexual development and sex education, stress management, alcohol and other drug abuse, and tobacco use should be provided. Anticipatory guidance should be provided for parents about their role in promoting school achievement and

School Health Assessments (RE9862)

learning as priorities in their child's life. Guidance also may be provided to assist parents in helping their child develop responsibility, independence, and self-reliance in the educational process.

THE SCHOOL'S ROLE

A well-organized system within the school that includes a comprehensive health record must be established for accumulating and recording current health information for each student. When a child changes schools, this information must be transferred to the new location. Information from health records should pass freely between the child's medical home and the school nurse and vice versa (with appropriate permission from the parents and/or adolescent). The school nurse and appropriate classroom teacher should review the child's health record, preferably before initiation of school year. For the student with chronic illness or with special health needs or for the child who must take medication during school hours, the school health record may require more frequent review. The school health record should include the following information: name, birth date, and sex of student; parent or guardian contact information; name, address, and telephone number of the child's primary health care physician; dentist and other medical specialists; immunization status and dates of immunizations; pertinent ongoing health problems; medications to be taken by the child; allergies; previous athletic injuries; and restrictions for athletics. Each school district should develop its own system for maintaining the confidentiality of the comprehensive health record. Access to this record should be based on the need to know and should require consent of the student, parent, or both.

A separate emergency information file available to all school personnel should be kept in the administration office and should contain the following information: the names, addresses, and telephone numbers (work and home) of parents or guardians; persons to contact in case of emergency; parental consent forms; and the names, addresses, and telephone numbers of physicians, consultants, dentists, and medical insurance carrier.

CONCLUSION AND RECOMMENDATIONS

In addition to providing a medical home, the pediatrician should be an advocate for students in the school setting and should promote effective communication among school officials, families, and the health care community. Collaboration among pediatricians, school nurses, and the community can ensure that children have access to appropriate and comprehensive screenings and assessments whether offered in the child's medical home or at the school site. The AAP recommends that:

1. All children should receive ongoing care in a medical home in a community practice, clinic, or school-based health center.
2. Core school health services including screening should be planned and implemented under the supervision of the school nurse and school physician when one is present and coordinated with the child's medical home.
3. Any additional health assessments performed in the schools where many students do not have medical homes should follow *Guidelines for Health Supervision III* from the AAP.
4. On completion of the school health assessment, any positive findings requiring medical subspecialist or surgical subspecialist referral, should be performed in conjunction with the child's primary care provider.
5. Where schools assume medical care for students without medical homes, arrangements must be made to provide coordinated after-hours care for these children when school-based facilities or personnel are not available.
6. Herding of students for school physicals should be denounced because it provides quick superficial evaluation but may not address students complete health care needs.

COMMITTEE ON SCHOOL HEALTH, 1999-2000

Howard L. Taras, MD, Chairperson
David A. Cimino, MD
Jane W. McGrath, MD
Robert D. Murray, MD
Wayne A. Yankus, MD
Thomas L. Young, MD

LIAISON REPRESENTATIVES

Evan Pattishall III, MD
American School Health Association
Missy Fleming, PhD
American Medical Association
Maureen Glendon, RNCS, MSN, CRNP
National Association of Pediatric Nurse Associates and Practitioners
Lois Harrison-Jones, EdD
American Association of School Administrators
Linda Wolfe, RN, BSN, Med, CSN
National Association of School Nurses
Jerald L. Newberry, Executive Director
National Education Association, Health Information Network
Mary Vernon, MD, MPH
Centers for Disease Control and Prevention

CONSULTANT

Susanne Tropez-Sims, MD, MPH

REFERENCES

1. American Academy of Pediatrics, Ad Hoc Task Force on Definition of the Medical Home. *The Medical Home*. Elk Grove Village, IL: American Academy of Pediatrics; 1992:774
2. Fleming NS, Jones HC. The impact of outpatient department and emergency room use on costs in the Texas Medicaid Program. *Med Care*. 1983;21:892-910
3. American Academy of Pediatrics, Committee on Psychosocial Aspects of Child and Family Health. *Guidelines for Health Supervision III*. Elk Grove Village, IL: American Academy of Pediatrics; 1997
4. American Academy of Pediatrics, Task Force on School-Based Health Clinics. AAP guidelines: school-based health clinics. *AAP News*. April 1987:7
5. Nader PR. Five years—entering school. In: Dixon SD, Stein MT, eds. *Encounters With Children: Pediatric Behavior and Development*. Chicago, IL: Year Book Medical Publishers; 1987:281-290
6. American Academy of Pediatrics, Committee on School Health. *School Health: Policy and Practice*. Elk Grove Village, IL: American Academy of Pediatrics; 1993:87-92
7. American Academy of Pediatrics, Committee on Sports Medicine. *Sports Medicine: Health Care for Young Athletes*. Elk Grove Village, IL: American Academy of Pediatrics; 1991
8. American Academy of Pediatrics, Committee on Sports Medicine and Fitness. Medical conditions affecting sports participation. *Pediatrics*. 1994;94:757-760

The recommendations in this statement do not indicate an exclusive course of treatment or serve as a standard of medical care. Variations, taking into account individual circumstances, may be appropriate.

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DIVISION OF PUBLIC HEALTH

1 WEST WILSON STREET
P O BOX 2659
MADISON WI 53701-2659Jim Doyle
GovernorHelene Nelson
Secretary

State of Wisconsin

Department of Health and Family Services

608-266-1251

FAX: 608-267-2832
www.dhfs.state.wi.us

April 16, 2003

The Honorable Mark Miller
Wisconsin Assembly
Room 112 North
State Capitol
P.O. Box 8953
Madison, Wisconsin 53708

Dear Representative Miller:

This letter addresses current practices associated with statute 118.25-(3) "Health examination of students." After polling a sampling of approximately 25 local public health departments concerning their school board activities in counties having a population of less than 500,000, none report school boards performing periodic health examinations of pupils as it relates to the statutory language in 118.25 (3). Currently, most school districts recommend and encourage health examinations of students at grades K and 6. The school notifies parents of this recommendation and provides a health form, which is completed by the family's personal physician. These exams are not required, just recommended.

Some older students receive WIAA physicals for sports. These are frequently done free by local physicians at mass clinics on a first come, first serve basis. The local public health department is usually not involved in these exams. In some areas, the local public health department supports a local preschool health-screening program for select children as they enter public schools. The parents provide written consent for this type of screening program.

Thank you for the opportunity to clarify the current statute's application in Wisconsin. If you have any questions or comments, please do not hesitate to contact myself or Diana Ditsch, School Health Officer, 608/266-6988 or ditscdl@dhfs.state.wi.us

Sincerely,

Handwritten signature of Kenneth Baldwin in cursive script.
Kenneth Baldwin

Administrator and State Health Officer



Wisconsin Association of School Nurses

Testimony to the Assembly Children & Families Committee

Jack O'Meara, on behalf of the
Wisconsin Association of School Nurses

April 17, 2003

Re: Requested Change to AB 86, clarifying the definition of "examination" under the bill

Chairman Kestell and committee members, my name is Jack O'Meara. I am here today on behalf of the Wisconsin Association of School Nurses (WASN). I am testifying for information only in order to request a friendly amendment to the bill.

WASN commends Representative Rhoades, Senator Kanavas and the co-sponsors of the bill for their commitment to parental authority in decision-making over children's health care. WASN would, however, like to raise a concern with how the bill is drafted. This same concern was raised by the Department of Public Instruction (DPI) in an April 11 letter addressed to Chairman Kestell.

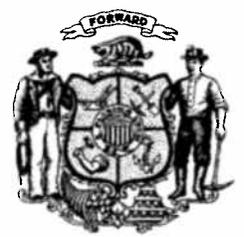
WASN and DPI are concerned with the language in Section 2 of the bill (Page 2, lines 12-14) which prohibits "any examination" without written consent. Our concern is that there are some situations where examinations are medically necessary and highly desirable, but prior parental consent is clearly impossible and impractical.

In its April 11 letter, DPI suggested a clarifying amendment which would state that the legislation "does not include exams for first aid/injury or illness, or non-invasive health screenings for vision, hearing or scoliosis."

This suggestion would address WASN's concern with the bill. We hope the committee will choose to adopt this suggested change when you take up AB 86 in executive session.

It is very important that this legislation is drafted in a manner that is unambiguous. You want to avoid the kind of confusion that could keep health care professionals from addressing the serious health care needs of our children in a safe and timely manner.

Thank you for your consideration of our views, and for your continuing commitment to high-quality health care for our children.



Jack O'Meara

Government & Public Relations

106 East Doty Street, Suite 300
Madison, WI 53703
608-294-8746
608-251-9152 (fax)
jnbomeara@aol.com

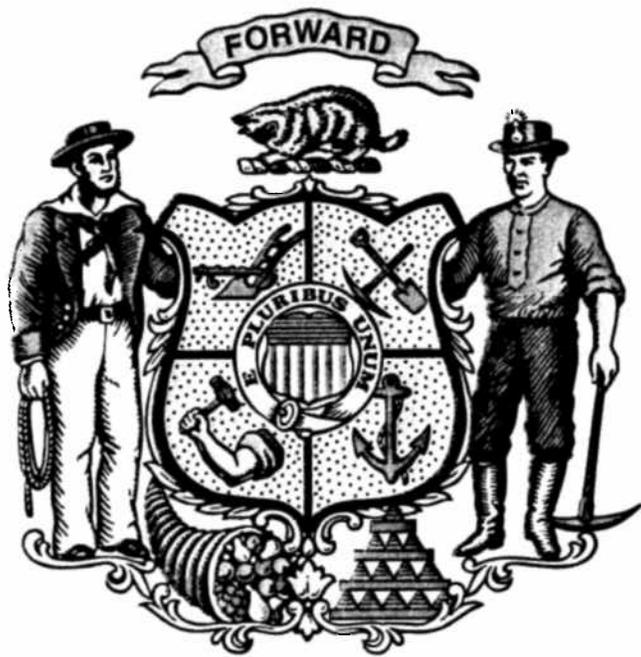


State of Wisconsin
Department of Public Instruction

TOM GROGAN
Legislative Liaison
Office of the State Superintendent

125 South Webster Street
P.O. Box 7841
Madison, WI 53707-7841

(608) 266-2813
Cell Phone (608) 516-9804
Fax (608) 266-5188
thomas.grogan@dpi.state.wi.us





**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Assembly Bill 86	Assembly Amendment 2
<i>Memo published: May 29, 2003</i>	<i>Contact: Anne Sappenfield, Senior Staff Attorney (267-9485)</i>

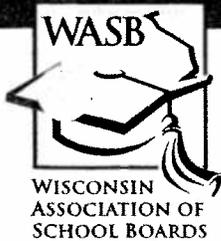
Assembly Bill 86 permits a school board to require a pupil to be periodically examined by a physician. Under the bill, a school board that wishes to examine a pupil must annually provide the adult pupil or the parent or guardian of a minor pupil with a schedule of the examinations the school board plans to conduct. The bill provides that the school board may not conduct any examination for which consent has not been obtained. The school board may conduct additional examinations only with the consent of the adult pupil or parent or guardian of a minor pupil.

Assembly Amendment 2 applies the provision of the bill also to examinations conducted by a physician assistant or nurse practitioner. In addition, under the amendment, the consent requirements do not apply to routine screening for vision or hearing impairment or scoliosis or to an examination conducted in an emergency or for an injury that requires immediate treatment.

The Assembly Committee on Children and Families introduced the amendment and recommended adoption of the portion of the amendment expanding the requirements to examinations conducted by physician assistants and nurse practitioners on a vote of Ayes, 5; Noes, 3, and unanimously recommended adoption of the portion creating an exception to the consent requirements on May 28, 2003. The committee also recommended passage of the bill, as amended, on a vote of Ayes, 5; Noes, 3.

AS:ksm





THE FOCUS

A WISCONSIN ASSOCIATION
OF SCHOOL BOARDS, INC.
POLICY PUBLICATION

Relevant info
noted on p. 5
re: AB 86

VOLUME 20, No. 1
JULY 2002

STUDENT PRIVACY POLICIES

The federal "No Child Left Behind Act of 2001" amends the Protection of Pupil Rights Amendment (PPRA) and requires each school district that receives funds under any program administered by the U.S. Department of Education to adopt written policies to protect student privacy and provide for parent access to certain information. These policies must be developed and adopted in consultation with parents. (All references to "parent" in this publication include a legal guardian or other person in loco parentis such as a grandparent or stepparent with whom a child lives or a person who is legally responsible for the welfare of the child.)

This issue of *The FOCUS* is intended to help school districts develop policies and procedures to meet the new federal law requirements. In some cases, districts may need to adopt new policies and procedures, while in other cases, districts may need to only modify existing ones. Be aware that regulations implementing the new federal student privacy policy requirements are in the process of being developed and may affect information contained in this publication.

Be sure to see, as a companion to *The FOCUS*, the July 2002 WASB "Legal Comment", found in the *Wisconsin School News*, entitled "Protection of Pupil Privacy Rights".

STUDENT SURVEYS

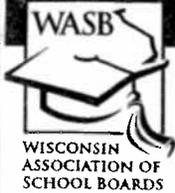
School districts receiving federal education funds are required to address specific

information regarding the administration or distribution of surveys to students in written policies. Under the new law requirements, the term "survey" includes an evaluation.

Surveys Administered or Distributed to Students that Contain Certain Types of Information – District policies must address arrangements to protect student privacy in the event of the administration or distribution of a survey to a student that would reveal information on one or more of the following items: (new or revised items are underlined)

- political affiliations or beliefs of the student or the student's parent;
- mental and psychological problems of the student or the student's family;
- sex behavior or attitudes;
- illegal, anti-social, self-incriminating or demeaning behavior;
- critical appraisals of other individuals with whom students have close family relationships;
- legally recognized privileged or analogous relationships such as those of lawyers, physicians and ministers;
- religious practices, affiliations or beliefs of the student or student's parent; or
- income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

These arrangements must include the right of a student's parent to inspect, upon request, any



survey containing one or more of the items listed above.

Parents must be notified at least annually at the beginning of the school year of the specific or approximate dates during the school year when such survey activities are scheduled. Parents must also be given the opportunity to opt their child out of taking a survey containing the above information.

If a survey, analysis or evaluation containing any of the above information is funded in whole or in part by any program administered by the U.S. Department of Education, the district is required to obtain prior written consent of the student or, if the student is a minor, his/her parent/guardian before the student participates in the survey. No student may be required to participate in such a survey, analysis or evaluation. School districts are required to give parents and students notice of their rights under the law.

As previously required, all instructional materials to be used in connection with a survey, analysis or evaluation funded in whole or in part by any program administered by the U.S. Department of Education must be made available for inspection by the parents of students engaging in such activities. "Instructional materials", in this case, include teacher's manuals, films, tapes or other supplementary materials.

Third Party Surveys - District policies must address the right of a student's parent to inspect, upon request, a survey created by a third party before the survey is administered or distributed to a student. Policies should include any applicable procedures for granting a parent's request for reasonable access to the survey within a reasonable period of time after the request is received.

If a third party survey contains any of the personal or family information items listed above, the requirements outlined above are applicable when administering or distributing the third party survey to students.

School officials may want to consider questions such as the following when

developing policies and procedures addressing student survey information:

- How will the district protect student privacy when a survey is administered or distributed to students that may reveal personal or family information as outlined above? (Examples: have students complete the survey anonymously; maintain the completed survey results separately from other student record information)
- How will parent requests to inspect a survey containing questions/items related to personal or family information as outlined above, instructional materials connected with such a survey, or a survey created by a third party be handled in the district? (Example: parent files written request with the building principal who authorizes the inspection)
- How will parents be notified of the scheduled dates or approximate dates when surveys containing items related to personal or family information as outlined above will be administered to students and of their rights under the law to opt their child out of participating in such surveys? (Examples: special direct mailing to parents; parent newsletter)
- How can parents go about opting their child out of participating in a survey containing items related to personal or family information as outlined above? (Example: parent files a written request with the staff person who is administering the survey)

PARENT ACCESS TO INSTRUCTIONAL MATERIALS

School districts receiving federal education funds are required to address the right of a

student's parent to inspect, upon request, any instructional material used as part of the educational curriculum for the student. The policies must also include any applicable procedures for granting a parent's request for reasonable access to instructional material within a reasonable period of time after the request is received.

For purposes of the new federal law requirements, the term "instructional material" means instructional content that is provided to a student, regardless of format, including printed or representational materials, audio-visual materials and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

Although federal law does not specifically authorize parents to have access to academic tests or academic assessments, Wisconsin school districts should be aware that section 118.30(3) of the state statutes requires the state superintendent of public instruction to allow a person to view the 4th, 8th or 10th grade Wisconsin Knowledge and Concepts Examination if the person submits a written request to the state superintendent to do so. This request must be submitted within 90 days after the date of administration of the examination. State regulations are currently in the process of being developed for implementing this requirement.

Other academic tests and assessments may be accessible to parents as authorized by the state's public records law.

School districts should also keep in mind their obligations under federal copyright law when granting a parent's request to inspect instructional materials. Under the copyright law, the holder of copyrighted material has the exclusive right to reproduction and distribution. According to the July 2002 WASB "Legal Comment", found in the *Wisconsin School News*, "Although a school district must allow a parent to inspect

instructional material covered by the PPRA, the school district may not allow a parent to retain a copy of the material unless expressly permitted by the copyright holder. If the school district does not hold the copyright on the material, it should contact the copyright holder and determine whether the rights to copy the material are restricted and request permission to distribute the material for the sole purpose of parental inspection under the PPRA."

"Alternatively, parental access may be provided by retaining an archival copy of the copyrighted material at the school district and allowing parents to inspect the material at the school. When a parent living outside the geographic area of the school district requests the opportunity to inspect the materials, the school district can contact a school near the nonresident parent, send the school the materials, and make arrangements to have the parent inspect them locally. The materials should then be returned to the original school district after the parent has inspected them."

As noted in the "Legal Comment", the parent's right to inspect instructional materials under the PPRA is not a right to veto or remove such materials from the school curriculum. Districts should deal with challenges to instructional materials in accordance with established district policies and procedures.

COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

School districts receiving federal education funds are required to have policies in place that address the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information, or otherwise providing that information to others for that purpose. These policies must also:

- (1) include arrangements to protect student privacy in the event of such collection, disclosure or use of personal information,
- (2) address the right of a student's parent to inspect, upon request, any instrument used in the collection of personal information from students before the instrument is administered or distributed to a student; and
- (3) include any applicable procedures for granting a parent's request for reasonable access to such an instrument within a reasonable period of time after the request is received.

Under the new law requirements, the term "personal information" means individually identifiable information including: (a) a student or parent's first and last name, (b) a home or other physical address (including street name and the name of the city or town), (c) a telephone number, or (d) a Social Security identification number.

This provision does not apply to the collection, disclosure or use of personal information collected from students for the exclusive purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions such as the following:

- College or other postsecondary education recruitment or military recruitment.
- Book clubs, magazines and programs providing access to low-cost literary products.
- Curriculum and instructional materials used by elementary and secondary schools.
- Tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students (or to generate other statistically useful data for

the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments.

- The sale by students of products or services to raise funds for school-related or education-related activities.
- Student recognition programs.

Parents must be notified at least annually at the beginning of the school year of the specific or approximate dates during the school year when activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information are scheduled to take place. Parents must be given the opportunity to opt their child out of participating in such activities. A student of an appropriate age may opt him/herself out of these activities. "Student of an appropriate age" is not defined in the law.

When developing policies regarding the collection, use or disclosure of personal information collected from students for marketing or selling purposes, school officials should consider the following additional legal considerations:

- Personally identifiable information related to students may be used or disclosed only in accordance with state and federal laws dealing with the confidentiality of student records.
- Wisconsin's right of privacy law (section 895.50 of the state statutes) prohibits the use of the name, portrait or picture of any living person for advertising purposes or for purposes of trade without having first obtained the written consent of the person or, if a minor, the person's parent.
- Section 19.71 of the state statutes prohibits public authorities (including school districts) from selling a record

containing an individual's name or address of residence unless specifically authorized by state law

Districts that collect, disclose or use personal information collected from students for marketing or selling purposes, or disclose such information to others for that purpose, may want to consider questions such as the following when developing related district policies:

- How will the district collect such information from students?
- What will parents have to do to inspect the "instrument" to be used in collecting such information before it is administered or distributed to students?
- To what extent will the district use or disclose personal information collected from students for marketing or selling purposes, or disclose the information to others for that purpose?
- How will the district protect student privacy in the collection, use or disclosure of personal information collected from students for marketing or selling purposes?
- How will parents be notified of the scheduled dates or approximate dates when activities involving the collection, use or disclosure of personal information collected from students for marketing or selling purposes will be taking place and of their rights under the law to opt their child out of participating in such activities?
- How can parents go about opting their child out of participating in any activity involving the collection, use or disclosure of personal information for marketing or selling purposes?

STUDENT PHYSICAL EXAMINATIONS

RE: AB 86

School districts receiving federal education funds are required to have policies in place that address the administration of physical examinations or screenings to students by schools. This requirement does not apply to:

- (1) a screening administered to a student in accordance with the Individuals with Disabilities Education Act, or
- (2) any physical examination or screening that is permitted or required by an applicable state law. For example, state law requires students to receive designated immunizations or to submit a written statement to the school objecting to the immunizations for reasons of health, religion or personal conviction. State law authorizes school boards in counties having a population of less than 500,000 to require periodic health examinations of students by physicians, under the supervision of local health departments and the department of health and family services, and to pay the cost of the examinations out of school district funds. Because both of these types of physical examinations are permitted or authorized by applicable state laws, the new federal law policy requirement may not be applicable to such physical examinations.

Parents must be notified at least annually at the beginning of the school year of the specific or approximate dates during the school year when any non-emergency, invasive physical examination or screening of students is scheduled to take place that is:

- (a) required as a condition of attendance,
- (b) administered by the school and scheduled by the school in advance, and

- (c) not necessary to protect the immediate health and safety of the student or other students.

Under the new law requirements, the term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion or injection into the body, but does not include a hearing, vision or scoliosis screening.

Parents must be given the opportunity to opt their child out of participating in any such non-emergency, invasive physical examination or screening.

When developing policies and procedures addressing the administration of student physical examinations or screenings by schools, school officials may want to consider such questions as the following:

- What physical examinations or screenings, if any, are administered to students by schools in the district? What is the purpose of such physical examinations or screenings?
- Will the district allow non-emergency, invasive physical examinations or screenings of students to be administered by the schools?
- If so,
 - What non-emergency, invasive physical examinations or screenings will be allowed to be administered to students by the schools?
 - How will parents be notified of the scheduled dates or approximate dates when non-emergency, invasive physical examinations or screenings of students are scheduled to take place and of their rights under the law to opt their child out of

participating in such physical examinations or screenings?

- How can parents go about opting their child out of participating in any non-emergency, invasive physical examination or screening by the schools?

POLICY NOTIFICATION

Policies developed as outlined above must provide for reasonable notice of the policies directly to the parents of students enrolled in the schools served by the district. At a minimum, school districts must provide parents with notice of the policies at least annually, at the beginning of each school year, and within a reasonable period of time after any substantive change is made in the policies.

Some examples of how such policies may be disseminated to parents are outlined below:

- publication of the policy (or policies) in student and parent handbooks that are distributed annually to students and parents in the district
- publication of the policy (or policies) in parent newsletters that are sent to all parents of students enrolled in the school/district
- special direct mailing sent to parents at their homes

Publication of the policies in the official school district newspaper may not be sufficient to give notice to all parents of students enrolled in the school.

School officials should remember not only to give copies of their student privacy-related policies to parents of students currently enrolled in the district but also to the parents of students who transfer into the district during the school year.

OTHER PARENT RIGHTS IN THE SCHOOLS

In addition to meeting requirements in the federal Protection of Pupil Rights Amendment (PPRA), Wisconsin school districts are reminded that there are also several state laws that they must abide by regarding parent and student rights in educational programs. Some of those rights are identified below:

- **Accommodating a Student's Religious Beliefs** - Chapter PI 41 of the Wisconsin Administrative Code requires school districts to have policies in place that provide for the reasonable accommodation of a student's sincerely held religious beliefs with regard to examinations and other academic requirements. Such policies must provide: (a) a means by which a student or parent/guardian of a minor student can conveniently and confidentially notify the building principal or his/her designee of potential conflicts, (b) a means by which a student is permitted to make up an examination or academic requirements at another time or by an alternative means without any prejudicial effect; and (c) a procedure for receiving and resolving complaints.
- **Program or Curriculum Modifications** - Any student's parent, or the student if the parent is notified, may request the school district to provide the student with program or curriculum modifications as outlined in section 118.15(1)(d) of the state statutes. Districts must notify parents of this opportunity at the beginning of each school term. School officials may approve or deny the program or curriculum modification request.
- **Health-Related Instruction** - According to section 118.01(2)(d)2c) of the state statutes, no student may be required to take instruction in physiology and hygiene, sanitation, the effects of controlled substances and alcohol upon the human system, symptoms of disease and the proper care of the body if his/her parent files a written objection thereto with the teacher.
- **Human Growth and Development Instruction** - School districts that provide human growth and development instruction for students are required by section 118.019 of the state statutes to annually provide the parents of each student enrolled in the district with an outline of the human growth and development curriculum used in the student's grade level and information regarding how the parent may inspect the complete curriculum and instructional materials. No student may be required to take instruction in human growth and development or in specific subject areas within such instruction if the student's parent(s) files a written request for their child to be exempt from taking such instruction.
- **State Assessments** - School districts are required by section 118.33(2)(b)3 of the state statutes to excuse a student from taking the 4th, 8th or 10th grade Wisconsin Knowledge and Concepts Examination upon the request of a student's parent.

Additional information relating to parent rights involving their child's educational program may be obtained in the March 2001 issue of *The FOCUS* and in the December, 1991 "Legal Comment" entitled "Don't Teach That to My Child!", found in the *Wisconsin School News*.



POLICY SERVICES

122 W. Washington Avenue, Suite 400
Madison, WI 53703

WASB Code: 333

EPS Code: IFF

PARENT RIGHTS AND DISTRICT PROGRAMS/ACTIVITIES

Parents/guardians may inspect, upon request, any instructional material used as part of the educational curriculum for students. In addition, parents/guardians may deny their child's participation in certain District educational programs or activities in accordance with state and federal laws and regulations. Specifically, parents/guardians may:

- (1) Request reasonable accommodations for their child with regard to examinations and other academic requirements based on their child's sincerely held religious beliefs.
- (2) Request that their child not participate in instruction in human growth and development or instruction in certain health-related subjects (physiology and hygiene, sanitation, the effects of controlled substances and alcohol upon the human system, symptoms of disease and the proper care of the body).
- (3) Request that their child not participate in any survey administered or distributed to students in the schools that reveals information concerning any of the following:
 - political affiliations or beliefs of the student or the student's parent;
 - mental and psychological problems of the student or the student's family;
 - sex behavior or attitudes;
 - illegal, anti-social, self-incriminating or demeaning behavior;
 - critical appraisals of other individuals with whom students have close family relationships;
 - legally recognized privileged or analogous relationships such as those of lawyers, physicians and ministers;
 - religious practices, affiliations or beliefs of the student or student's parent; or
 - income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

Parents/guardians may inspect, upon request, any survey containing items related to any of the above information and any survey created by a third party, as well as any instructional materials used in connection with any such survey. If a survey containing any of the above information is funded in whole or in part by any program administered by the U.S. Department of Education, written consent shall be obtained from the student or, in the case of a minor student, the student's parent/guardian before the student participates in the survey.

(over)

*Sample policies are distributed for demonstration purposes only.
Unless so noted, contents do not necessarily reflect official policies of the WASB.*

- (4) Request that their child not participate in any activities involving the collection, disclosure or use of personal information collected from students for the purpose of marketing or selling that information, or otherwise providing that information to others for that purpose. "Personal information" includes individually identifiable information such as a student's or parent's first and last name, address, telephone number or Social Security identification number. Upon request, parents/guardians may inspect any instrument used in the collection of personal information from students for marketing or selling purposes before the instrument is administered or distributed to students.
- (5) Request that their child not participate in any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance, (b) administered by the school and scheduled by the school in advance, and (c) not necessary to protect the immediate health and safety of the student, or of other students. "Invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion or injection in the body, but does not include a hearing, vision or scoliosis screening.

Parents/guardians shall be informed at the beginning of the school year of the specific or approximate dates during the school year when activities outlined in items (3), (4) and (5) are scheduled to take place and shall be given the opportunity to request that their child not participate in such activities.

Parents/guardians shall make any of the above requests, in writing, to the building principal or designee. All requests will be judged individually based upon state and federal guidelines. The principal or designee shall respond to such requests in a timely manner.

The District shall inform parents/guardians of this policy at the beginning of each school year.

CROSS REF.: Equal Educational Opportunities Policy
Program and Curriculum Modifications Policy
Student Records Policy
Use of Copyrighted Materials Policy

SOURCE: WASB POLICY IDEA

July 2002



POLICY SERVICES

122 W. Washington Avenue, Suite 400
Madison, WI 53703

WASB Code: **333.1**

EPS Code: **IFFA**

PARENT ACCESS TO THE CURRICULUM AND INSTRUCTIONAL MATERIALS

Parents/guardians play an important and unique role in the education of their children. To facilitate parent knowledge about the appropriateness for their child of any or all aspects of the curriculum, a parent/guardian may contact the building principal to request that a District staff member provide the parent/guardian with information about any program, course, unit of study, specific assignment or teaching method.

Parents/guardians may also contact the building principal to review the instructional materials that will be used in any course or program. If there are questions or concerns, the principal and parent/guardian will discuss possible solutions.

SOURCE: WEST ALLIS-WEST MILWAUKEE SCHOOL DISTRICT

APPROVED: January 14, 1997

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POLICY SERVICES

122 W. Washington Avenue, Suite 400
Madison, WI 53703

WASB Code: **333.2**

EPS Code: **IFFB**

STUDENT SURVEYS

The School Board respects the privacy rights of parents and their children. No student shall be required to participate in any survey associated with a school program or the District's curriculum, or which is administered by a third party in the schools, if the survey includes one or more of the following items:

- political affiliations or beliefs of the student or the student's parent;
- mental and psychological problems of the student or the student's family;
- sex behavior or attitudes;
- illegal, anti-social, self-incriminating or demeaning behavior;
- critical appraisals of other individuals with whom students have close family relationships;
- legally recognized privileged or analogous relationships such as those of lawyers, physicians and ministers;
- religious practices, affiliations or beliefs of the student or the student's parent; or
- income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

The building principal shall notify parents/guardians at the beginning of each school year of the specific or approximate dates during the school year when such survey activities are scheduled involving their children. Parents/guardians shall be given the opportunity to request that their child not participate in a survey containing the above information. If a survey containing any of the above information is funded in whole or in part by a program administered by the U.S. Department of Education, written consent shall be obtained from the student or, in the case of a minor student, the student's parent/guardian before the student participates in the survey.

Parents/guardians may, upon request, inspect a survey containing any of the above information and any survey created by a third party before the survey is administered or distributed to a student. They may also request to inspect any instructional materials used in connection with the survey or any instructional material used as part of the educational curriculum for the student. Requests to inspect a survey or instructional materials should be made to the building principal or his/her designee. Survey inspection requests should be made prior to the date in which the survey is scheduled to be administered to students. The principal or designee shall respond to such requests without delay.

This policy shall be published annually in student and staff handbooks, which are distributed to students, parents/guardians and employees in the District.

SOURCE: WASB POLICY IDEA

July 2002

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POLICY SERVICES

122 W. Washington Avenue, Suite 400
Madison, WI 53703

WASB Code: 893

EPS Code: LC

RESEARCH AND SURVEYS IN THE SCHOOLS

The Board of Education recognizes the value of educational research. However, all research studies carried out within the School District of Waukesha, using school district or building data of any kind, staff or students as subjects shall be approved in advance by the District Administrator or his/her designee. Only those studies that have value to the school district, either directly or indirectly, shall be approved.

When human subjects are involved in research, there shall be adequate protection of their rights and welfare. The individuals shall not be subjected to serious risk. The parent (legal guardian) of children who are potential subjects of research or adults if they are subjects will be provided:

- an explanation of procedures and their purposes;
- a description of any possible risks and benefits to be reasonably expected;
- an offer to respond to inquiries on procedures; and
- instructions on the right to refuse to participate or to discontinue participation at any time without prejudice.

Participation of students who are not adults shall be by written consent of one parent.

All materials, including books, printed materials, manuals, pictures, tapes and information drawn from electromagnetic sources, used in connection with the research program shall be available for inspection by appropriate district staff and parents (guardians) of the children who are being considered as subjects in this research project.

Nothing in this policy is intended to restrict the routine gathering of the non-confidential opinions of students necessary to plan appropriate programs and curriculum. All student surveys or opinion questionnaires shall be approved by the administration and must guarantee anonymity. When any survey or questionnaire is traceable to an individual student via name, student number or any other method of personal identification, written parent notification by U.S. mail shall be required. Parents who object to such questionnaires or surveys shall be informed that upon written request their child may be exempt from that activity.

Administrative guidelines to implement this policy shall be developed by the District Administrator or his/her designee.

SOURCE: SCHOOL DISTRICT OF WAUKESHA

APPROVED: July 10, 1996

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