AN ACT to renumber and amend 118.25 (1); to amend 118.25 (2), 118.25 (5) and 118.25 (6); and to create 118.25 (1) (a) of the statutes; relating to: screening school district employees for tuberculosis.

Analysis by the Legislative Reference Bureau

This bill requires a school board other than the school board of the Milwaukee Public School District to, with limited exceptions, condition employment in the school district on the completion of a health examination that includes a screening questionnaire for tuberculosis. Current law requires such a school district to condition employment on a physical examination that includes a chest X-ray or a tuberculin test. Under current law and this bill, freedom from tuberculosis in a communicable form is a condition of employment.

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

SECTION 1. 118.25 (1) of the statutes is renumbered 118.25 (1) (intro.) and amended to read:

118.25 (1) (intro.) In this section “school:
(b) “School employee” means a person employed by a school board who comes in contact with children or who handles or prepares food for children while they are under the supervision of school authorities.

SECTION 2. 118.25 (1) (a) of the statutes is created to read:

118.25 (1) (a) “Practitioner” means a person licensed as a physician in any state or licensed or certified as an advanced practice nurse prescriber in any state.

SECTION 3. 118.25 (2) of the statutes is amended to read:

118.25 (2) (a) As Subject to par. (b), a school board other than the school board of a 1st class city school district shall, as a condition of employment, the school board, except in 1st class cities, shall require a physical health examination, including a chest X-ray or tuberculin test, of every school employee of the school district. The school board shall ensure that the health examination includes a screening questionnaire for tuberculosis approved by the department of health services and, if indicated, a test to determine the presence or absence of tuberculosis in a communicable form. Freedom from tuberculosis in a communicable form is a condition of employment. In the case of a new school employee, the school board may permit the school employee to submit proof of an examination, chest X-ray or tuberculin test complying with this section which was taken within the past 90 days in lieu of requiring such examination, X-ray or test. If the reaction to the tuberculin test is positive, a chest X-ray shall be required. Additional physical The school board shall require additional health examinations shall be required thereafter of school board employees at intervals determined by the school board. The school employee shall be examined by a physician A practitioner in the employ of or under contract with the school district, but if a physician is not employed or under contract, the
examination shall be made by a physician selected by the school employee shall
review the health examinations under this paragraph.

(b) Such physical The school board may not require health examinations, chest
X-rays or tuberculin tests shall not be required of any school employee who files with
the school board an affidavit setting forth that the employee depends exclusively
upon prayer or spiritual means for healing in accordance with the teachings of a bona
fide religious sect, denomination, or organization and that the employee is to the best
of the employee’s knowledge and belief in good health and that the employee claims
exemption from health examination on these grounds. Notwithstanding the filing
of such affidavit, if there is reasonable cause to believe that such employee is
suffering from an illness detrimental to the health of the pupils, the school board may
require a health examination of such school employee sufficient to indicate whether
or not such school employee is suffering from such an illness. No school employee
may be discriminated against by reason of the employee’s filing such affidavit.

(c) The physician making a physical practitioner performing the health
examination under par. (a) shall prepare complete a report of the examination upon
a standard form prepared by the department of health services and the department.
Such report. The practitioner shall be retained retain a copy of the report in the
physician’s his or her files and the physician shall make confidential
recommendations therefrom to the school board and to the school employee on a form
prepared by the department of health services and the department. The
recommendation form shall contain space for a certificate that the person examined
by the practitioner is free from tuberculosis in a communicable form. The school
board shall pay the cost of such the health examinations required under par. (a),
SECTION 3

including X-rays and tuberculin tests, shall be paid if needed, out of school district funds.

SECTION 4. 118.25 (5) of the statutes is amended to read:

118.25 (5) As a condition of employment, special teachers, school psychologists, school social workers, cooperative educational service agency personnel, and other personnel working in public schools shall have physical health examinations under sub. (2). The employing school district or agency shall pay the cost of such examinations.

SECTION 5. 118.25 (6) of the statutes is amended to read:

118.25 (6) As a condition of employment, employees of the state superintendent whose work brings them into contact with school children or with school employees shall have physical health examinations under sub. (2).

(END)