

No. 319, A.]

[Published July 11, 1959.]

**CHAPTER 176**

AN ACT to amend 40.30 (10m) (a) and 143.16 of the statutes, relating to physical examination for school employes.

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

SECTION 1. 40.30 (10m) (a) of the statutes is amended to read:

40.30 (10m) (a) The district board shall, as a condition of entering or continuing employment, except in cities of the first class, require a physical examination including a chest X-ray or tuberculin test, of every school employe of the district; *except that a board may, in the case of a new employe, permit the employe to submit proof of an examination, chest X-ray or tuberculin test which complies with this section taken within the past 2 years in lieu of requiring such examination, X-ray or test.* If the reaction to the tuberculin test is positive then a chest X-ray shall be required. Additional physical examinations shall be required thereafter at intervals determined by the board. A chest X-ray or tuberculin test shall be required at least once every 3 years; if the reaction to such tuberculin test is positive then a chest X-ray shall be required. The employe shall be examined by a licensed physician in the employ of or under contract with the district. If no such physician is employed or under contract, the examination shall be made by any licensed physician selected by the employe. Such physical examinations, chest X-rays or tuberculin tests shall not be required of any such employe who files with the board an affidavit setting forth that he 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 he is to the best of his knowledge and belief in good health and that he claims exemption from health examination on such grounds. Notwithstanding the filing of such affidavit if there is reasonable cause to believe that such employe is suffering from an illness detrimental to the health of the pupils, the board may require such health examination of such employe sufficient to indicate whether or not such employe is suffering from such an illness. No

employe shall be discriminated against by reason of his filing the aforementioned affidavit. The physician making such examination shall prepare a report of his examination upon a standard form prepared by the state board of health and the department of public instruction. Such report shall be retained in the physician's files and he shall make confidential recommendations therefrom to the board and to the employe on a form prepared by the state board of health and the department of public instruction. The recommendation form shall contain space for a certificate that the person is free from tuberculosis in a communicable form. The cost of such examinations, including X-rays and tuberculin tests, shall be paid out of district funds.

SECTION 2. 143.16 of the statutes is amended to read:

143.16 The governing body of each private or parochial school enrolling pupils in any grades from 1 to 12 shall as a condition of entering or continuing such employment require a physical examination, including a chest X-ray or tuberculin test of every school employe; *except that a governing body may, in the case of a new employe, permit the employe to submit proof of an examination, chest X-ray or tuberculin test, which complies with this section taken within the past 2 years in lieu of requiring such examination, X-ray or test.* If the reaction to the tuberculin test is positive then a chest X-ray shall be required. Additional physical examinations shall be required thereafter at intervals determined by the board. A chest X-ray or tuberculin test shall be required at least once every 3 years; if the reaction to such tuberculin test is positive then a chest X-ray shall be required. The physician making such examination shall prepare a report of his examination and make confidential recommendations therefrom to the governing body of the school and to the employe. The recommendation form shall contain space for a certificate that the person is free from tuberculosis in a communicable form.

Approved July 3, 1959.

---