

18A:40-4.3 to 18A:40-4.5

LEGISLATIVE HISTORY CHECKLIST

WJSA 18A:40-4.3 to 18A:40-4.5 (Pupils to be tested annually for Scoliosis)

LAWS OF 1978 CHAPTER 97

Bill No. A254

Sponsor(s) Martin and others

Date Introduced Pre-filed

Committee: Assembly Institutions, Health and Welfare
Senate Education

Amended during passage Yes

Date of Passage: Assembly April 20, 1978

Senate June 5, 1978

Date of approval Aug. 14, 1978

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly Yes

Senate Yes

Fiscal Note No

Veto message No

Message on signing No

Following were printed:

Reports No

Hearings No

Mentioned in act:
Standards promulgated by Departments of Health and Education. (attached)

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ASSEMBLY, No. 254

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1978 SESSION

By Assemblyman MARTIN

AN ACT concerning the examination of pupils for the condition known as scoliosis.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Every board of education shall provide for the yearly exam-
2 ination of every pupil between the ages of 10 and 18 for the condi-
3 tion known as scoliosis, and shall further provide for the notifi-
4 cation of the parents or guardian of any pupil suspected of having
5 scoliosis. Such notification shall include an explanation of scoliosis
6 and the significance of treating it at an early stage.

1 2. This act shall take effect immediately.

STATEMENT

The condition known as scoliosis is a lateral curvature of the spine. One form called idiopathic scoliosis commonly appears in adolescents. It is believed that this condition may occur in 10% of the adolescent population. Early diagnosis and referral can often result in the successful treatment of this condition by new surgical means, thus preventing the child from developing a permanent crippling disability or the need to undergo major surgery accompanied by a long recuperative period. Screening for scoliosis is a simple procedure requiring a minimal amount of time. Similar programs in other states have dramatically reduced the need for surgery on children with scoliosis.

ASSEMBLY INSTITUTIONS, HEALTH AND
WELFARE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 254

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 16, 1978

This bill would require boards of education to provide for annual examinations of pupils between the ages of 10 and 18 for scoliosis. Such boards also would be required to notify the parents or guardian of any pupil suspected of having scoliosis.

The committee approved two amendments to the bill. It believed that an examination for scoliosis should be in accordance with standards jointly established and promulgated by the Departments of Health and Education. The committee also desired the screening examination for scoliosis be conducted by properly trained school personnel, including school physicians, school nurses and physical education instructors.

ASSEMBLY COMMITTEE AMENDMENT TO
ASSEMBLY, No. 254

STATE OF NEW JERSEY

ADOPTED FEBRUARY 16, 1978

Amend page 1, section 1, line 3, after "scoliosis," omit ", and", insert "in accordance with standards jointly established and promulgated by the Departments of Health and Education. Such examination shall be carried out by a school physician, school nurse, physical education instructor or other school personnel properly trained in the screening process for scoliosis. Every board of education".

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 254

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1978 SESSION

By Assemblyman MARTIN

AN ACT concerning the examination of pupils for the condition known as scoliosis.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Every board of education shall provide for the yearly exam-
2 ination of every pupil between the ages of 10 and 18 for the condi-
3 tion known as scoliosis***[, and]*** **in accordance with standards*
4 *jointly established and promulgated by the Departments of Health*
5 *and Education. Such examination shall be carried out by a school*
6 *physician, school nurse, physical education instructor or other*
7 *school personnel properly trained in the screening process for*
8 *scoliosis. Every board of education** shall further provide for the
9 notification of the parents or guardian of any pupil suspected of
10 having scoliosis. Such notification shall include an explanation of
11 scoliosis and the significance of treating it at an early stage.

1 2. This act shall take effect immediately.

EXPLANATION—Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 254

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 22, 1978

This bill, as amended by the committee, would require school districts to examine children between 10 and 18 years old for scoliosis, or lateral curvature of a spine; children would be exempt from the examination upon written request of the parent. Any examination would be performed by the school doctor, or nurse, or by other properly trained school personnel; none of these would be legally liable in any action which resulted from the examination. If an examination is performed, and scoliosis is suspected, the parent will be notified, and will receive an explanation of the medical problem, the importance of treating it at an early age, and the public services available, after diagnosis, for treatment.

Of every thousand children screened, one will need surgery for scoliosis, and two will need corrective braces; as many as 10% of the school population, however, may have some form of the problem. Early treatment can greatly reduce the need for later surgery; lack of treatment can have very serious medical effects.

There is a simple screening procedure for scoliosis. It consists of observation of children while standing erect and while bending from the waist. It can be performed while the children are wearing bathing suits or similar attire and requires no equipment except a chair for the observer.

The cost of screening should therefore be minimal, as should the cost of training personnel to perform the simple examination.

SENATE COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 254

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED MAY 22, 1978

Amend page 1, section 1, line 11, omit "and", after "stage", insert
", and the public services available, after diagnosis, for such treat-
ment".

Amend page 1, after section 1, insert new sections 2 and 3 as follows
and renumber section 2 as section 4.

"2. Any pupil shall be exempt from the examination upon written
request of his parent or guardian.

3. No action of any kind in any court of competent jurisdiction shall
lie against any physician, school nurse, physical education instructor
or other school personnel by virtue of the provisions of this act."

[SENATE REPRINT]

ASSEMBLY, No. 254

[OFFICIAL COPY REPRINT]

with Senate committee amendments adopted May 22, 1978

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1978 SESSION

By Assemblyman MARTIN

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2 ination of every pupil between the ages of 10 and 18 for the condi-
3 tion known as scoliosis***[**, and**]*** *in accordance with standards*
4 *jointly established and promulgated by the Departments of Health*
5 *and Education. Such examination shall be carried out by a school*
6 *physician, school nurse, physical education instructor or other*
7 *school personnel properly trained in the screening process for*
8 *scoliosis. Every board of education* shall further provide for the*
9 notification of the parents or guardian of any pupil suspected of
10 having scoliosis. Such notification shall include an explanation of
11 scoliosis ****[and]**** the significance of treating it at an early
12 stage**, *and the public services available, after diagnosis, for such*
13 *treatment**.*

1 ****2.** *Any pupil shall be exempt from the examination upon writ-*
2 *ten request of his parent or guardian.*

1 3. *No action of any kind in any court of competent jurisdiction*
2 *shall lie against any physician, school nurse, physical education*
3 *instructor or other school personnel by virtue of the provisions*
4 *of this act.***

1 ****[2.]**** ****4.**** This act shall take effect immediately.

EXPLANATION—Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

S-14-78

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 254

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1978 SESSION

By Assemblyman MARTIN

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12 stage**, *and the public services available, after diagnosis, for such*
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1 ****2.** *Any pupil shall be exempt from the examination upon writ-*
2 *ten request of his parent or guardian.*

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2 *shall lie against any physician, school nurse, physical education*
3 *instructor or other school personnel by virtue of the provisions*
4 *of this act.***

1 ****[2.]**** ****4.**** This act shall take effect immediately.

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FROM THE OFFICE OF THE GOVERNOR

AUGUST 14, 1973

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

JOE SANTANGELO

Governor Brendan Byrne today signed into law the following bills:

S-133, sponsored by Senator James S. Caffero (R-Cape May) which provides for joint motor vehicle registration in the name of owner and spouse.

A-254, sponsored by Assemblyman Harold Martin (D-Bergen) which requires the yearly examination of every pupil between the ages of 10 and 18 for the condition known as scoliosis (curvature of the spine).

A-346, sponsored by Assemblyman Thomas A. Gallo (D-Hudson) which permits a municipality to appoint its traffic engineer or chief of police as a commissioner to the parking authority.

A-718, sponsored by Assemblyman Robert P. Hollenbeck (D-Bergen) which provides leaves of absence with pay for state, school district and county or municipal employees to prepare and engage in Pan American or Olympic competitions.

A-936, sponsored by Assemblyman Alan J. Karcher (D-Middlesex) which validates compromises between municipalities and the ConRail Corporation with regard to property tax payments.

A-1164, sponsored by Assemblywoman Mildred Barry Garvin (D-Essex) which provides for alternate members of the Board of Higher Education.

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SCOLIOSIS SCREENING

I. Rationale

Scoliosis is a lateral curvature of the spine, most commonly found during the adolescent growth period. It is estimated that between five and ten percent of school children have a curvature in varying degrees. However, only about two percent of these are significant. The effect of scoliosis depends upon its severity, how early it is detected, and how promptly treatment is received.

The New Jersey Legislature has charged "every board of education shall provide for the yearly examination of every pupil between the ages of ten and eighteen for the condition known as scoliosis." (Chapter 97, Laws of New Jersey 1978)

The goal of a mass screening program mandated by this law is early identification. If detected early, a curvature can often be controlled. Any pupil with scoliosis should be under the care and supervision of the family physician or an appropriate clinic. Referral to an orthopedist or orthopedic clinic may be indicated.

II. Implementation of a scoliosis screening program

A. Planning and Education Aspects

1. Orientation of school staff, parents and pupils. This may be done by lecture or use of audio visual materials suggested in bibliography.*
2. School personnel, such as school physicians, school nurses, physical education teachers, who will be screening, should attend a workshop approved by the Departments of Education and Health.
3. Parents/guardians should be informed in a communication understandable to them that all pupils ages ten through eighteen will be screened (N.J.S. 18A:40-5).** Any pupil shall be exempt from the examination upon written request of a parent/guardian.
4. Initial screening should be done by a school physician, school nurse or physical education teacher who has attended a training session.

B. Screening Techniques

1. Pupil stands with back to screener with clothing loosened or removed to expose back, Screener checks for the following:

* See Bibliography on Scoliosis,

**See Letters.

- a. Unequal shoulder levels
 - b. Symmetry of scapulae
 - c. Symmetry of flanks
 - d. Uneven or greater crease at one side of waist
 - e. Unequal distance between body and the elbow when both arms are hanging straight down from shoulder.
2. Pupil faces screener and bends at 90° at the waist, feet together, knees straight, and arms hanging in front with palms together. Screener may sit facing pupil and check the following:
 - a. Rib hump (one side of upper back higher than the other)
 - b. Hump in both upper and lower back
 - c. Levels of the back on both sides of the spine.
 3. Pupil turns to side, bends, while screener checks asymmetry of both sides of the spine and looks for a smooth continuous curve of spine.
- C. Standard for Referral
1. Clearly identified abnormalities, as confirmed by the school nurse, school nurse practitioner, or school physician, should be referred to the family physician immediately.
 2. Questionable curvatures should be rescreened by the school nurse and seen by the school nurse practitioner or school physician before any referral is made to a parent/guardian. A determination may be made to re-examine the pupil's spine in three months before making the referral to the family.
 3. The rescreening in three months must be done by a physician.
- D. Referral and Follow-Through
1. The parent/guardian of each pupil suspected of a problem should be notified in writing of the significance of further evaluation by the appropriate family medical practitioner.* Information about an appropriate practitioner or clinic will be made available upon request.

*See Letters.

2. Parental notification should include a form for the examining physician to record findings and make recommendations.* This report should be returned to the school nurse.
3. When a diagnosis of scoliosis has been made, it is recommended that the school nurse register the child with Special Child Health Services, State Department of Health, (609-292-5676) with parental permission.
4. When treatment is recommended, the school nurse should provide supportive counseling to the pupil and his family, teacher and pupil's peers. Careful and thorough follow-through is necessary to ensure a worthwhile program.

E. Monitoring

In order to determine the effectiveness and validity of a yearly examination for all pupils ages ten through eighteen, it is incumbent upon the school nurse to maintain accurate records. A form will be provided to report the number of pupils screened by age, degree of curvature noted, or any other abnormality detected and the follow-through. This form will be a multiple copy form so that one copy can remain in the district, one copy forwarded to the Department of Education, and one copy forwarded to the Department of Health.*

Monitoring will continue for five years. At that time the total program will be evaluated and revised if necessary or appropriate.

*See Forms,