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To: Wisconsin School District Staff

From: Louise Wilson, MS, BSN, RN, NCSN

Subject: School Districts' Responsibilities if Students are Excluded from School due to Measles Outbreak

The Department of Public Instruction (DPI) has received requests for information regarding a school district's responsibility to provide educational services if an outbreak of measles were to occur in Wisconsin. Under [Wis. Stat. § 252.04\(7\)](#) and [Wis. Admin. Code § DHS 144.07\(10\)](#), the Department of Health Services (DHS) has the authority to exclude students from a school during a substantial outbreak of measles. The DHS defines a substantial outbreak of measles in a school to be a single case of measles, and in a given municipality as twice the incidence of measles in the nation as a whole. [Wis. Admin. Code § DHS 144.02\(12\)](#).

If a substantial outbreak of measles were to occur in a school or in the municipality in which a school is located, the school, when ordered to do so by DHS, must exclude students who have not received all required immunizations against the disease. This exclusion includes students in all grades who have not had two doses of measles vaccine. The exclusion shall last until the student is immunized, or until DHS determines that the outbreak has subsided. Given the incubation period and ease of transmission of measles, it may be several weeks, even months, before an outbreak is officially declared over.

1. Are school districts responsible for educating students without a disability during an outbreak if they are excluded due to not having required immunizations?

No. Schools are not responsible for educating students without a disability. Under [Wis. Stat. § 118.15\(1\)\(a\)](#), parents are responsible for causing a child to attend school regularly. No Wisconsin law requires school districts to provide alternative education if a non-disabled student is excluded from school because the student is not vaccinated.

2. Are students excluded from school during an outbreak due to not having required immunizations considered truant?

A student may be excused for up to 30 days "because the child is temporarily not in proper physical or mental condition to attend a school program," ([Wis. Stat. § 118.15\(3\)\(a\)](#)). School boards are required to "establish a written attendance policy specifying the reasons for which pupils may be permitted to be absent from a public school," ([Wis. Stat. §](#)

[118.16\[4\]\[a\]](#). School districts are encouraged to seek guidance from their legal counsel when establishing truancy policies.

3. Are school districts responsible for educating students with an IEP during an outbreak if the students are excluded due to not having required immunizations?

Yes, the school district must ensure that students with IEPs continue to receive a free appropriate public education.

4. Are school districts responsible for educating students who have a disability-related to measles or who are medically unable to receive the measles vaccine because of a disability?

The United States Department of Education Office for Civil Rights has provided the following direction:

Under Section 504 [of the Rehabilitation Act of 1973] and Title II [of the Americans with Disabilities Act of 1990], if an enrolled student is required or advised by public health authorities or school officials to stay home during an outbreak of measles because he or she has or is regarded as having a disability-related to measles, or was medically unable to receive the measles vaccine because of a disability, the school district must maintain continuity of learning by providing educational services to that student. School officials should defer to public health authorities to determine whether students should stay home.

[Addressing the Risk of Measles in Schools while Protecting the Civil Rights of Students with Disabilities.](#)

5. If schools are closed due to a measles outbreak, must they continue to provide the required hours of instruction?

Yes. [Wis. Stat. § 121.02\(1\)\(f\)](#) and [Wis. Admin. Code § PI 8.01\(2\)\(f\)](#) require school boards to annually schedule and hold a minimum number of hours of direct pupil instruction. School districts may consider developing alternative procedures to assure continuity of instruction in the event of district school closures (e.g., web-based distance instruction, telephone trees, mailed lessons and assignments, instruction via local radio or television stations).

The U.S. Department of Education's document [Preparing for Infectious Disease: Department of Education Recommendations to Ensure the Continuity of Teaching and Learning For Schools \(K-12\) During Extended Student Absence or School Dismissal](#) offers school districts ideas on ensuring the continuity of learning. School districts will need not only to sustain student learning and achievement during prolonged absences but may need to provide needed additional academic supports upon the student's return.