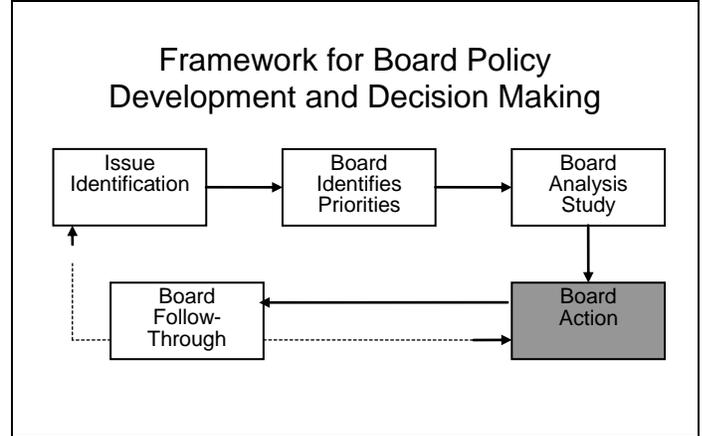


Iowa State Board of Education

Executive Summary

January 27, 2011



Agenda Item: Rules: Chapter 36 - Extracurricular Interscholastic Competition (Notice)

Iowa Goal: All K-12 students will achieve at a high level.

Equity Impact Statement: This rule amendment removes an exemption for which there is no legal basis.

Presenter: Carol Greta, Attorney
Office of the Director

Attachments: 1

Recommendation: It is recommended that the State Board give public notice of its intent to amend Chapter 36.

Background: The proposed amendment strikes a religious beliefs-based exemption to the requirement that all secondary students who desire to participate in interscholastic athletics undergo a physical examination prior to such participation. Department staff has researched the issue and determined that there is no basis for the exemption, and as a matter of student safety, the language allowing the exemption should be stricken.

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 36, “Extracurricular Interscholastic Competition,” Iowa Administrative Code.

The proposed amendment strikes a religious beliefs-based exemption to the requirement that all secondary students who desire to participate in interscholastic athletics undergo a physical examination prior to such participation. Department staff has researched the issue and determined that there is no basis for the exemption, and as a matter of student safety, the language allowing the exemption should be stricken.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendment on or before March 15, 2011, at 4:30 p.m. Comments on the proposed amendments should be directed to Carol Greta, Office of the Director, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319–0146; telephone (515)281–8661; E–mail carol.greta@iowa.gov; or fax (515)281–4122.

This amendment is intended to implement Iowa Code section 280.13.

The following amendment is proposed.

Amend subrule **36.14(1)** as follows:

36.14(1) *Physical examination.* Every year each student shall present to the student’s superintendent a certificate signed by a licensed physician and surgeon, osteopathic physician and surgeon, osteopath, qualified doctor of chiropractic, licensed physician

assistant, or advanced registered nurse practitioner, to the effect that the student has been examined and may safely engage in athletic competition.

Each doctor of chiropractic licensed as of July 1, 1974, shall affirm on each certificate of physical examination completed that the affidavit required by Iowa Code section 151.8 is on file with the Iowa board of chiropractic examiners.

The certificate of physical examination is valid for the purpose of this rule for one calendar year. A grace period not to exceed 30 days is allowed for expired physical certifications.

~~A student shall not be required to submit to a physical examination if the student's parent or 18-year-old student submits to a school administrator an affidavit that the physical examination requirement conflicts with the tenets and practice of a recognized religious denomination of which the student is an adherent or member.~~