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Massachusetts School Health Services
Guidance on the Waiver Provisions of 105 CMR 200.000: Physical Examination of School Children

The purpose of this document is to provide guidance to all elementary and secondary schools in Massachusetts on the waiver provisions contained in 105 CMR 200.000: Physical Examination of School Children.

Massachusetts General Law Chapter 71, Sections 57 and 97 establish screening schedules for screenings for postural defects and substance use. Section 57 also authorizes the Massachusetts Department of Public Health (the “Department”), to determine screening schedules for hearing, vision and other defects. Pursuant to that authority, the Department established screening schedules for hearing, vision, height, weight, and the calculation of BMI, outlined in 105 CMR 200.000.

The Department has the authority to waive any screenings not statutorily required¹ upon written request. The Department can only consider waiver requests for vision/hearing screening, height/weight measurement, and BMI calculation. Waiver requests cannot be based on budgetary restrictions and will only be granted for periods up to one year. The written request must include the following information:

- (A) the school(s) requesting the proposed waiver;
- (B) an estimate of the number of children who will be affected by the waiver;
- (C) the total percentage of completed screenings conducted by grade level in the two school years preceding the waiver request;
- (D) an alternative plan to the screening schedules laid out in 105 CMR 200.000 that would adequately protect the health of the school child; and
- (E) the time frame for the proposed waiver.

Criterion for Reviewing a Waiver

The Department will base approval of any waivers on the following:

1. Rate of completion of screenings in recent previous years.
2. Alternative plan for provision of screening in the current school year. The plan should include a plan for completing postural and SBIRT screening and conducting targeted vision/hearing and height/weight screening, which includes strategies for prioritization of screenings based on age/grade level, type of screening, screening history and individual student need.

¹ The schedules for screenings for postural defects and Screening, Brief Intervention and Referral to Treatment (SBIRT) are established in statute and cannot be waived.