

1 AN ACT relating to schools.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 27-8.1 as follows:

6 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

7 Sec. 27-8.1. Health examinations and immunizations.

8 (1) In compliance with rules and regulations which the
9 Department of Public Health shall promulgate, and except as
10 hereinafter provided, all children in Illinois shall have a
11 health examination as follows: within one year prior to
12 entering kindergarten or the first grade of any public,
13 private, or parochial elementary school; upon entering the
14 fifth and ninth grades of any public, private, or parochial
15 school; prior to entrance into any public, private, or
16 parochial nursery school; and, irrespective of grade,
17 immediately prior to or upon entrance into any public, private,
18 or parochial school or nursery school, each child shall present
19 proof of having been examined in accordance with this Section
20 and the rules and regulations promulgated hereunder.

21 A tuberculosis skin test screening shall be included as a
22 required part of each health examination included under this
23 Section if the child resides in an area designated by the
24 Department of Public Health as having a high incidence of
25 tuberculosis. Additional health examinations of pupils,
26 including ~~dental and~~ vision examinations, may be required when
27 deemed necessary by school authorities. Parents are encouraged
28 to have their children undergo ~~dental and~~ vision examinations
29 at the same points in time required for health examinations.

30 (1.5) In compliance with rules adopted by the Department of
31 Public Health and except as otherwise provided in this Section,
32 all children in kindergarten and the second and sixth grades of

1 any public, private, or parochial school shall have a dental
2 examination. Each of these children shall present proof of
3 having been examined by a dentist in accordance with this
4 Section and rules adopted under this Section before May 15th of
5 the school year. If a child in the second or sixth grade fails
6 to present proof by May 15th, the school may hold the child's
7 report card until one of the following occurs: (i) the child
8 presents proof of a completed dental examination or (ii) the
9 child presents proof that a dental examination will take place
10 within 60 days after May 15th. The Department of Public Health
11 shall establish, by rule, a waiver for children who show an
12 undue burden or a lack of access to a dentist. Each public,
13 private, and parochial school must give notice of this dental
14 examination requirement to the parents and guardians of
15 students at least 60 days before May 15th of each school year.

16 (2) The Department of Public Health shall promulgate rules
17 and regulations specifying the examinations and procedures
18 that constitute a health examination and a dental examination
19 and may recommend by rule that certain additional examinations
20 be performed. The rules and regulations of the Department of
21 Public Health shall specify that a tuberculosis skin test
22 screening shall be included as a required part of each health
23 examination included under this Section if the child resides in
24 an area designated by the Department of Public Health as having
25 a high incidence of tuberculosis. The Department of Public
26 Health shall specify that a diabetes screening as defined by
27 rule shall be included as a required part of each health
28 examination. Diabetes testing is not required.

29 Physicians licensed to practice medicine in all of its
30 branches, advanced practice nurses who have a written
31 collaborative agreement with a collaborating physician which
32 authorizes them to perform health examinations, or physician
33 assistants who have been delegated the performance of health
34 examinations by their supervising physician shall be
35 responsible for the performance of the health examinations,
36 other than dental examinations and vision and hearing

1 screening, and shall sign all report forms required by
2 subsection (4) of this Section that pertain to those portions
3 of the health examination for which the physician, advanced
4 practice nurse, or physician assistant is responsible. If a
5 registered nurse performs any part of a health examination,
6 then a physician licensed to practice medicine in all of its
7 branches must review and sign all required report forms.
8 Licensed dentists shall perform all dental examinations and
9 shall sign all report forms required by subsection (4) of this
10 Section that pertain to the dental examinations. Physicians
11 licensed to practice medicine in all its branches, or licensed
12 optometrists, shall perform all vision exams required by school
13 authorities and shall sign all report forms required by
14 subsection (4) of this Section that pertain to the vision exam.
15 Vision and hearing screening tests, which shall not be
16 considered examinations as that term is used in this Section,
17 shall be conducted in accordance with rules and regulations of
18 the Department of Public Health, and by individuals whom the
19 Department of Public Health has certified. In these rules and
20 regulations, the Department of Public Health shall require that
21 individuals conducting vision screening tests give a child's
22 parent or guardian written notification, before the vision
23 screening is conducted, that states, "Vision screening is not a
24 substitute for a complete eye and vision evaluation by an eye
25 doctor. Your child is not required to undergo this vision
26 screening if an optometrist or ophthalmologist has completed
27 and signed a report form indicating that an examination has
28 been administered within the previous 12 months."

29 (3) Every child shall, at or about the same time as he or
30 she receives a health examination required by subsection (1) of
31 this Section, present to the local school proof of having
32 received such immunizations against preventable communicable
33 diseases as the Department of Public Health shall require by
34 rules and regulations promulgated pursuant to this Section and
35 the Communicable Disease Prevention Act.

36 (4) The individuals conducting the health examination or

1 dental examination shall record the fact of having conducted
2 the examination, and such additional information as required,
3 on uniform forms which the Department of Public Health and the
4 State Board of Education shall prescribe for statewide use. The
5 examiner shall summarize on the report form any condition that
6 he or she suspects indicates a need for special services. The
7 individuals confirming the administration of required
8 immunizations shall record as indicated on the form that the
9 immunizations were administered.

10 (5) If a child does not submit proof of having had either
11 the health examination or the immunization as required, then
12 the child shall be examined or receive the immunization, as the
13 case may be, and present proof by October 15 of the current
14 school year, or by an earlier date of the current school year
15 established by a school district. To establish a date before
16 October 15 of the current school year for the health
17 examination or immunization as required, a school district must
18 give notice of the requirements of this Section 60 days prior
19 to the earlier established date. If for medical reasons one or
20 more of the required immunizations must be given after October
21 15 of the current school year, or after an earlier established
22 date of the current school year, then the child shall present,
23 by October 15, or by the earlier established date, a schedule
24 for the administration of the immunizations and a statement of
25 the medical reasons causing the delay, both the schedule and
26 the statement being issued by the physician, advanced practice
27 nurse, physician assistant, registered nurse, or local health
28 department that will be responsible for administration of the
29 remaining required immunizations. If a child does not comply by
30 October 15, or by the earlier established date of the current
31 school year, with the requirements of this subsection, then the
32 local school authority shall exclude that child from school
33 until such time as the child presents proof of having had the
34 health examination as required and presents proof of having
35 received those required immunizations which are medically
36 possible to receive immediately. During a child's exclusion

1 from school for noncompliance with this subsection, the child's
2 parents or legal guardian shall be considered in violation of
3 Section 26-1 and subject to any penalty imposed by Section
4 26-10. This subsection (5) does not apply to dental
5 examinations.

6 (6) Every school shall report to the State Board of
7 Education by November 15, in the manner which that agency shall
8 require, the number of children who have received the necessary
9 immunizations and the health examination (other than a dental
10 examination) as required, indicating, of those who have not
11 received the immunizations and examination as required, the
12 number of children who are exempt from health examination and
13 immunization requirements on religious or medical grounds as
14 provided in subsection (8). Every school shall report to the
15 State Board of Education by June 30, in the manner that the
16 State Board requires, the number of children who have received
17 the required dental examination, indicating, of those who have
18 not received the required dental examination, the number of
19 children who are exempt from the dental examination on
20 religious grounds as provided in subsection (8) of this Section
21 and the number of children who have received a waiver under
22 subsection (1.5) of this Section. This reported information
23 shall be provided to the Department of Public Health by the
24 State Board of Education.

25 (7) Upon determining that the number of pupils who are
26 required to be in compliance with subsection (5) of this
27 Section is below 90% of the number of pupils enrolled in the
28 school district, 10% of each State aid payment made pursuant to
29 Section 18-8.05 ~~18-8~~ to the school district for such year shall
30 be withheld by the regional superintendent until the number of
31 students in compliance with subsection (5) is the applicable
32 specified percentage or higher.

33 (8) Parents or legal guardians who object to health or
34 dental examinations or any part thereof, or to immunizations,
35 on religious grounds shall not be required to submit their
36 children or wards to the examinations or immunizations to which

1 they so object if such parents or legal guardians present to
2 the appropriate local school authority a signed statement of
3 objection, detailing the grounds for the objection. If the
4 physical condition of the child is such that any one or more of
5 the immunizing agents should not be administered, the examining
6 physician, advanced practice nurse, or physician assistant
7 responsible for the performance of the health examination shall
8 endorse that fact upon the health examination form. Exempting a
9 child from the health or dental examination does not exempt the
10 child from participation in the program of physical education
11 training provided in Sections 27-5 through 27-7 of this Code.

12 (9) For the purposes of this Section, "nursery schools"
13 means those nursery schools operated by elementary school
14 systems or secondary level school units or institutions of
15 higher learning.

16 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;
17 93-530, eff. 1-1-04; revised 9-11-03.)

18 Section 99. Effective date. This Act takes effect July 1,
19 2005.