

1 AN ACT concerning 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
5 Section 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,
18 private, or parochial school or nursery school, each child
19 shall present proof of having been examined in accordance
20 with this Section and the rules and regulations promulgated
21 hereunder.

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

31 (2) The Department of Public Health shall promulgate

1 rules and regulations specifying the examinations and
2 procedures that constitute a health examination and may
3 recommend by rule that certain additional examinations be
4 performed. The rules and regulations of the Department of
5 Public Health shall specify that a tuberculosis skin test
6 screening shall be included as a required part of each health
7 examination included under this Section if the child resides
8 in an area designated by the Department of Public Health as
9 having a high incidence of tuberculosis.

10 Physicians licensed under the Medical Practice Act of
11 1987 to practice medicine in all of its branches, advanced
12 practice nurses who have a written collaborative agreement
13 with a collaborating physician which authorizes them to
14 perform health examinations, or physician assistants who have
15 been delegated the performance of health examinations by
16 their supervising physician shall be responsible for the
17 performance of the health examinations, other than dental
18 examinations and vision and hearing screening, and shall sign
19 all report forms required by subsection (4) of this Section
20 that pertain to those portions of the health examination for
21 which the physician, advanced practice nurse, or physician
22 assistant is responsible. If a registered nurse performs any
23 part of a health examination, then a physician licensed to
24 practice medicine in all of its branches must review and sign
25 all required report forms. Licensed dentists shall perform
26 all dental examinations and shall sign all report forms
27 required by subsection (4) of this Section that pertain to
28 the dental examinations. Physicians licensed to practice
29 medicine in all its branches, or licensed optometrists, shall
30 perform all vision exams required by school authorities and
31 shall sign all report forms required by subsection (4) of
32 this Section that pertain to the vision exam. Vision and
33 hearing screening tests, which shall not be considered
34 examinations as that term is used in this Section, shall be

1 conducted in accordance with rules and regulations of the
2 Department of Public Health, and by individuals whom the
3 Department of Public Health has certified.

4 (3) Every child shall, at or about the same time as he
5 or she receives a health examination required by subsection
6 (1) of this Section, present to the local school proof of
7 having received such immunizations against preventable
8 communicable diseases as the Department of Public Health
9 shall require by rules and regulations promulgated pursuant
10 to this Section and the Communicable Disease Prevention Act.

11 (4) The individuals conducting the health examination
12 shall record the fact of having conducted the examination,
13 and such additional information as required, on uniform forms
14 which the Department of Public Health and the State Board of
15 Education shall prescribe for statewide use. The examiner
16 shall summarize on the report form any condition that he or
17 she suspects indicates a need for special services. The
18 individuals confirming the administration of required
19 immunizations shall record as indicated on the form that the
20 immunizations were administered.

21 (5) If a child does not submit proof of having had
22 either the health examination or the immunization as
23 required, then the child shall be examined or receive the
24 immunization, as the case may be, and present proof by
25 October 15 of the current school year, or by an earlier date
26 of the current school year established by a school district.
27 To establish a date before October 15 of the current school
28 year for the health examination or immunization as required,
29 a school district must give notice of the requirements of
30 this Section 60 days prior to the earlier established date.
31 If for medical reasons one or more of the required
32 immunizations must be given after October 15 of the current
33 school year, or after an earlier established date of the
34 current school year, then the child shall present, by October

1 15, or by the earlier established date, a schedule for the
2 administration of the immunizations and a statement of the
3 medical reasons causing the delay, both the schedule and the
4 statement being issued by the physician, advanced practice
5 nurse, physician assistant, registered nurse, or local health
6 department that will be responsible for administration of the
7 remaining required immunizations. If a child does not comply
8 by October 15, or by the earlier established date of the
9 current school year, with the requirements of this
10 subsection, then the local school authority shall exclude
11 that child from school until such time as the child presents
12 proof of having had the health examination as required and
13 presents proof of having received those required
14 immunizations which are medically possible to receive
15 immediately. During a child's exclusion from school for
16 noncompliance with this subsection, the child's parents or
17 legal guardian shall be considered in violation of Section
18 26-1 and subject to any penalty imposed by Section 26-10.

19 (6) Every school shall report to the State Board of
20 Education by November 15, in the manner which that agency
21 shall require, the number of children who have received the
22 necessary immunizations and the health examination as
23 required, indicating, of those who have not received the
24 immunizations and examination as required, the number of
25 children who are exempt from health examination and
26 immunization requirements on religious or medical grounds as
27 provided in subsection (8). This reported information shall
28 be provided to the Department of Public Health by the State
29 Board of Education.

30 (7) Upon determining that the number of pupils who are
31 required to be in compliance with subsection (5) of this
32 Section is below 90% of the number of pupils enrolled in the
33 school district, 10% of each State aid payment made pursuant
34 to Section 18-8 to the school district for such year shall be

1 withheld by the regional superintendent until the number of
2 students in compliance with subsection (5) is the applicable
3 specified percentage or higher.

4 (8) Parents or legal guardians who object to health
5 examinations or any part thereof, or to immunizations, on
6 religious grounds shall not be required to submit their
7 children or wards to the examinations or immunizations to
8 which they so object if such parents or legal guardians
9 present to the appropriate local school authority a signed
10 statement of objection, detailing the grounds for the
11 objection. If the physical condition of the child is such
12 that any one or more of the immunizing agents should not be
13 administered, the examining physician, advanced practice
14 nurse, or physician assistant responsible for the performance
15 of the health examination shall endorse that fact upon the
16 health examination form. Exempting a child from the health
17 examination does not exempt the child from participation in
18 the program of physical education training provided in
19 Sections 27-5 through 27-7 of this Code.

20 (9) For the purposes of this Section, "nursery schools"
21 means those nursery schools operated by elementary school
22 systems or secondary level school units or institutions of
23 higher learning.

24 (Source: P.A. 91-357, eff. 7-29-99; 92-703, eff. 7-19-02.)

25 Section 99. Effective date. This Act takes effect July
26 1, 2003.