

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

1 time required for health examinations.

2 (2) The Department of Public Health shall promulgate
3 rules and regulations specifying the examinations and
4 procedures that constitute a health examination and may
5 recommend by rule that certain additional examinations be
6 performed. The rules and regulations of the Department of
7 Public Health shall specify that a tuberculosis skin test
8 screening shall be included as a required part of each health
9 examination included under this Section if the child resides
10 in an area designated by the Department of Public Health as
11 having a high incidence of tuberculosis. The Department of
12 Public Health shall specify that a diabetes screening as
13 defined by rule shall be included as a required part of each
14 health examination. Diabetes testing is not required.

15 Physicians licensed to practice medicine in all of its
16 branches, advanced practice nurses who have a written
17 collaborative agreement with a collaborating physician which
18 authorizes them to perform health examinations, or physician
19 assistants who have been delegated the performance of health
20 examinations by their supervising physician shall be
21 responsible for the performance of the health examinations,
22 other than dental examinations and vision and hearing
23 screening, and shall sign all report forms required by
24 subsection (4) of this Section that pertain to those portions
25 of the health examination for which the physician, advanced
26 practice nurse, or physician assistant is responsible. If a
27 registered nurse performs any part of a health examination,
28 then a physician licensed to practice medicine in all of its
29 branches must review and sign all required report forms.
30 Licensed dentists shall perform all dental examinations and
31 shall sign all report forms required by subsection (4) of
32 this Section that pertain to the dental examinations.
33 Physicians licensed to practice medicine in all its branches,
34 or licensed optometrists, shall perform all vision exams

1 required by school authorities and shall sign all report
2 forms required by subsection (4) of this Section that pertain
3 to the vision exam. Vision and hearing screening tests,
4 which shall not be considered examinations as that term is
5 used in this Section, shall be conducted in accordance with
6 rules and regulations of the Department of Public Health, and
7 by individuals whom the Department of Public Health has
8 certified. In these rules and regulations, the Department of
9 Public Health shall require that individuals conducting
10 vision screening tests give a child's parent or guardian
11 written notification, before the vision screening is
12 conducted, that states, "Vision screening is not a substitute
13 for a complete eye and vision evaluation by an eye doctor.
14 Your child is not required to undergo this vision screening
15 if an optometrist or ophthalmologist has completed and signed
16 a report form indicating that an examination has been
17 administered within the previous 12 months."

18 (3) Every child shall, at or about the same time as he
19 or she receives a health examination required by subsection
20 (1) of this Section, present to the local school proof of
21 having received such immunizations against preventable
22 communicable diseases as the Department of Public Health
23 shall require by rules and regulations promulgated pursuant
24 to this Section and the Communicable Disease Prevention Act.

25 (4) The individuals conducting the health examination
26 shall record the fact of having conducted the examination,
27 and such additional information as required, on uniform forms
28 which the Department of Public Health and the State Board of
29 Education shall prescribe for statewide use. The examiner
30 shall summarize on the report form any condition that he or
31 she suspects indicates a need for special services. The
32 individuals confirming the administration of required
33 immunizations shall record as indicated on the form that the
34 immunizations were administered.

1 (5) If a child does not submit proof of having had
2 either the health examination or the immunization as
3 required, then the child shall be examined or receive the
4 immunization, as the case may be, and present proof by
5 October 15 of the current school year, or by an earlier date
6 of the current school year established by a school district.
7 To establish a date before October 15 of the current school
8 year for the health examination or immunization as required,
9 a school district must give notice of the requirements of
10 this Section 60 days prior to the earlier established date.
11 If for medical reasons one or more of the required
12 immunizations must be given after October 15 of the current
13 school year, or after an earlier established date of the
14 current school year, then the child shall present, by October
15 15, or by the earlier established date, a schedule for the
16 administration of the immunizations and a statement of the
17 medical reasons causing the delay, both the schedule and the
18 statement being issued by the physician, advanced practice
19 nurse, physician assistant, registered nurse, or local health
20 department that will be responsible for administration of the
21 remaining required immunizations. If a child does not comply
22 by October 15, or by the earlier established date of the
23 current school year, with the requirements of this
24 subsection, then the local school authority shall exclude
25 that child from school until such time as the child presents
26 proof of having had the health examination as required and
27 presents proof of having received those required
28 immunizations which are medically possible to receive
29 immediately. During a child's exclusion from school for
30 noncompliance with this subsection, the child's parents or
31 legal guardian shall be considered in violation of Section
32 26-1 and subject to any penalty imposed by Section 26-10.

33 (6) Every school shall report to the State Board of
34 Education by November 15, in the manner which that agency

1 shall require, the number of children who have received the
2 necessary immunizations and the health examination as
3 required, indicating, of those who have not received the
4 immunizations and examination as required, the number of
5 children who are exempt from health examination and
6 immunization requirements on religious or medical grounds as
7 provided in subsection (8). This reported information shall
8 be provided to the Department of Public Health by the State
9 Board of Education.

10 (7) Upon determining that the number of pupils who are
11 required to be in compliance with subsection (5) of this
12 Section is below 90% of the number of pupils enrolled in the
13 school district, 10% of each State aid payment made pursuant
14 to Section 18-8 to the school district for such year shall be
15 withheld by the regional superintendent until the number of
16 students in compliance with subsection (5) is the applicable
17 specified percentage or higher.

18 (8) Parents or legal guardians who object to health
19 examinations or any part thereof, or to immunizations, on
20 religious grounds shall not be required to submit their
21 children or wards to the examinations or immunizations to
22 which they so object if such parents or legal guardians
23 present to the appropriate local school authority a signed
24 statement of objection, detailing the grounds for the
25 objection. If the physical condition of the child is such
26 that any one or more of the immunizing agents should not be
27 administered, the examining physician, advanced practice
28 nurse, or physician assistant responsible for the performance
29 of the health examination shall endorse that fact upon the
30 health examination form. Exempting a child from the health
31 examination does not exempt the child from participation in
32 the program of physical education training provided in
33 Sections 27-5 through 27-7 of this Code.

34 (9) For the purposes of this Section, "nursery schools"

1 means those nursery schools operated by elementary school
2 systems or secondary level school units or institutions of
3 higher learning.

4 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;
5 93-530, eff. 1-1-04; revised 9-11-03.)