

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 17-8.1 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 A diabetes screening shall be included as a required part

1 of each health examination included under this Section if the
2 child is an at-risk child. For the purposes of this
3 paragraph, "at-risk child" means a child who is Hispanic, of
4 African descent, or obese, has a high blood sugar content, or
5 has a family history of diabetes.

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

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

1 or licensed optometrists, shall perform all vision exams
2 required by school authorities and shall sign all report
3 forms required by subsection (4) of this Section that pertain
4 to the vision exam. Vision and hearing screening tests,
5 which shall not be considered examinations as that term is
6 used in this Section, shall be conducted in accordance with
7 rules and regulations of the Department of Public Health, and
8 by individuals whom the Department of Public Health has
9 certified.

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

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

27 (5) If a child does not submit proof of having had
28 either the health examination or the immunization as
29 required, then the child shall be examined or receive the
30 immunization, as the case may be, and present proof by
31 October 15 of the current school year, or by an earlier date
32 of the current school year established by a school district.
33 To establish a date before October 15 of the current school
34 year for the health examination or immunization as required,

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

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

1 Board of Education.

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

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

26 (9) For the purposes of this Section, "nursery schools"
27 means those nursery schools operated by elementary school
28 systems or secondary level school units or institutions of
29 higher learning.

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

31 Section 99. Effective date. This Act takes effect on
32 January 1, 2004.