

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. The Department of  
10 Public Health shall specify that a diabetes screening as  
11 defined by rule shall be included as a required part of each  
12 health examination. Diabetes testing is not required.

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

1 to the vision exam. Vision and hearing screening tests,  
2 which shall not be considered examinations as that term is  
3 used in this Section, shall be conducted in accordance with  
4 rules and regulations of the Department of Public Health, and  
5 by individuals whom the Department of Public Health has  
6 certified.

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

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

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

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

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

33 (7) Upon determining that the number of pupils who are  
34 required to be in compliance with subsection (5) of this

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

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

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

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

28 Section 99. Effective date. This Act takes effect on  
29 January 1, 2004.