

# SB0850



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0850

Introduced 2/8/2007, by Sen. Kimberly A. Lightford - Emil Jones, Jr.

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-8.1

from Ch. 122, par. 27-8.1

Amends the School Code. Makes technical changes in a Section concerning health examinations and immunizations.

LRB095 05578 NHT 25668 b

A BILL FOR

1 AN ACT concerning education.

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 ~~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

1 Department of Public Health as having a high incidence of  
2 tuberculosis. Additional health examinations of pupils,  
3 including vision examinations, may be required when deemed  
4 necessary by school authorities. Parents are encouraged to have  
5 their children undergo vision examinations at the same points  
6 in time required for health examinations.

7 (1.5) In compliance with rules adopted by the Department of  
8 Public Health and except as otherwise provided in this Section,  
9 all children in kindergarten and the second and sixth grades of  
10 any public, private, or parochial school shall have a dental  
11 examination. Each of these children shall present proof of  
12 having been examined by a dentist in accordance with this  
13 Section and rules adopted under this Section before May 15th of  
14 the school year. If a child in the second or sixth grade fails  
15 to present proof by May 15th, the school may hold the child's  
16 report card until one of the following occurs: (i) the child  
17 presents proof of a completed dental examination or (ii) the  
18 child presents proof that a dental examination will take place  
19 within 60 days after May 15th. The Department of Public Health  
20 shall establish, by rule, a waiver for children who show an  
21 undue burden or a lack of access to a dentist. Each public,  
22 private, and parochial school must give notice of this dental  
23 examination requirement to the parents and guardians of  
24 students at least 60 days before May 15th of each school year.

25 (2) The Department of Public Health shall promulgate rules  
26 and regulations specifying the examinations and procedures

1 that constitute a health examination, which shall include the  
2 collection of data relating to obesity, (including at a  
3 minimum, date of birth, gender, height, weight, blood pressure,  
4 and date of exam), and a dental examination and may recommend  
5 by rule that certain additional examinations be performed. The  
6 rules and regulations of the Department of Public Health shall  
7 specify that a tuberculosis skin test screening shall be  
8 included as a required part of each health examination included  
9 under this Section if the child resides in an area designated  
10 by the Department of Public Health as having a high incidence  
11 of tuberculosis. The Department of Public Health shall specify  
12 that a diabetes screening as defined by rule shall be included  
13 as a required part of each health examination. Diabetes testing  
14 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

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

25 (3) Every child shall, at or about the same time as he or  
26 she receives a health examination required by subsection (1) of

1 this Section, present to the local school proof of having  
2 received such immunizations against preventable communicable  
3 diseases as the Department of Public Health shall require by  
4 rules and regulations promulgated pursuant to this Section and  
5 the Communicable Disease Prevention Act.

6 (4) The individuals conducting the health examination or  
7 dental examination shall record the fact of having conducted  
8 the examination, and such additional information as required,  
9 including for a health examination data relating to obesity,  
10 (including at a minimum, date of birth, gender, height, weight,  
11 blood pressure, and date of exam), on uniform forms which the  
12 Department of Public Health and the State Board of Education  
13 shall prescribe for statewide use. The examiner shall summarize  
14 on the report form any condition that he or she suspects  
15 indicates a need for special services, including for a health  
16 examination factors relating to obesity. The individuals  
17 confirming the administration of required immunizations shall  
18 record as indicated on the form that the immunizations were  
19 administered.

20 (5) If a child does not submit proof of having had either  
21 the health examination or the immunization as required, then  
22 the child shall be examined or receive the immunization, as the  
23 case may be, and present proof by October 15 of the current  
24 school year, or by an earlier date of the current school year  
25 established by a school district. To establish a date before  
26 October 15 of the current school year for the health

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

26 (6) Every school shall report to the State Board of

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

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



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

16           (9) For the purposes of this Section, "nursery schools"  
17 means those nursery schools operated by elementary school  
18 systems or secondary level school units or institutions of  
19 higher learning.

20           (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;  
21 93-530, eff. 1-1-04; 93-946, eff. 7-1-05; 93-966, eff. 1-1-05;  
22 revised 12-1-05.)