

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 1. Short title. This Act may be cited as the  
5 Educational Opportunity for Military Children Act.

6 Section 5. Purpose. It is the purpose of this Act to remove  
7 barriers to educational success imposed on children of military  
8 families because of frequent moves and deployment of their  
9 parents by:

10 (1) facilitating the timely enrollment of children of  
11 military families and ensuring that they are not placed at  
12 a disadvantage due to difficulty in the transfer of  
13 educational records from the previous school district;

14 (2) facilitating the student placement process through  
15 which children of military families are not disadvantaged  
16 by variations in attendance requirements, scheduling,  
17 sequencing, or assessment;

18 (3) facilitating the qualification and eligibility for  
19 enrollment and educational programs;

20 (4) facilitating the on-time graduation of children of  
21 military families; and

22 (5) promoting flexibility and cooperation between the  
23 educational system, parents, and the student in order to

1           achieve educational success for the student.

2           Section 10. Findings; authority to enter into compact. The  
3           General Assembly finds and declares that this State recognizes  
4           that there is created an Interstate Commission on Educational  
5           Opportunity for Military Children through the Council of State  
6           Governments, in cooperation with the U.S. Department of Defense  
7           Office of Personnel and Readiness, for addressing the needs of  
8           students in transition. The Interstate Commission on  
9           Educational Opportunity for Military Children is a group of  
10          member states who have joined to create laws easing the  
11          transition of children of military families. The Governor of  
12          this State is authorized and directed to enter into a compact  
13          governed by this Act on behalf of this State with any of the  
14          United States legally joining therein.

15          Section 15. Applicability. This Act applies only if the  
16          member states of the Interstate Commission on Educational  
17          Opportunity for Military Children approve this State as a  
18          member state with this Act governing.

19          Section 20. Definitions. For purposes of this Act:

20                 "Active duty military personnel" means active duty members  
21                 of the uniformed military services, including any of the  
22                 following:

23                         (1) Members of the National Guard and Reserve that are

1 on active duty pursuant to 10 U.S.C. 1209 and 10 U.S.C.  
2 1211.

3 (2) Members or veterans of the uniformed services who  
4 are severely injured and medically discharged or retired  
5 for a period of one year after medical discharge or  
6 retirement.

7 (3) Members of the uniformed services who die on active  
8 duty for a period of one year after death.

9 "State Council" means the Illinois P-20 Council and  
10 additional representatives appointed by the Illinois P-20  
11 Council as provided under Section 40 of this Act.

12 Section 25. Tuition for transfer students.

13 (a) For purposes of this Section, "non-custodial parent"  
14 means a person who has temporary custody of the child of active  
15 duty military personnel and who is responsible for making  
16 decisions for that child.

17 (b) If a student who is a child of active duty military  
18 personnel is (i) placed with a non-custodial parent and (ii) as  
19 a result of placement, must attend a non-resident school  
20 district, then the student must not be charged the tuition of  
21 the school that the student attends as a result of placement  
22 with the non-custodial parent and the student must be counted  
23 in the calculation of average daily attendance under Section  
24 18-8.05 of the School Code.

1           Section 30. Power of attorney for children of active duty  
2 military personnel. A student who has a parent who is active  
3 duty military personnel who must place the student with a  
4 non-custodial parent may submit a special power of attorney to  
5 the school district that authorizes the student (i) to enroll  
6 in the district of the non-custodial parent and (ii) have  
7 decisions made by the non-custodial parent. If a special power  
8 of attorney created pursuant to this Section is filed with the  
9 school district, then the school district must follow the  
10 direction of the special power of attorney.

11           Section 35. Required courses for transfer students;  
12 pre-requisites; credit transfer; graduation.

13           (a) A student that transfers to a new school district may  
14 transfer into a comparable course to continue credit work for a  
15 course from which the student transferred out of only if the  
16 new school district offers the course and space is available.  
17 This subsection (a) includes courses offered for gifted and  
18 talented children pursuant to Article 14A of the School Code  
19 and courses for English as a Second Language program.

20           (b) The school district of a school may determine if  
21 courses taken by a transfer student at his or her old school  
22 satisfy the pre-requisite course requirements for any courses  
23 that the transfer student wishes to take at his or her current  
24 school. The school district may determine a current and future  
25 schedule that is appropriate for the student that satisfies any

1 pre-requisite course requirements in order for that student to  
2 take any courses that he or she wishes to attend.

3 (c) The school district of a school may work with a  
4 transfer student to determine an appropriate schedule that  
5 ensures that a student will graduate, provided that the student  
6 has met the district's minimal graduation requirements, which  
7 may be modified provided that the modifications are a result of  
8 scheduling issues and not a result of the student's academic  
9 failure.

10 (d) If a student transfers to a new school district during  
11 his or her senior year and the receiving school district cannot  
12 make reasonable adjustments under this Section to ensure  
13 graduation, then the school district shall make every  
14 reasonable effort to ensure that the school district from where  
15 the student transfers issues the student a diploma.

16 Section 40. State coordination.

17 (a) Each member state of the Interstate Commission on  
18 Educational Opportunity for Military Children shall, through  
19 the creation of a State Council or use of an existing body or  
20 board, provide for the coordination among its agencies of  
21 government, local education agencies, and military  
22 installations concerning the State's participation in and  
23 compliance with the compact and Interstate Commission  
24 activities. In this State, the Illinois P-20 Council and  
25 representatives appointed by the Illinois P-20 Council from the

1 3 school districts in this State with the highest percentage of  
2 children from military families shall constitute the State  
3 Council.

4 (b) The compact commissioner responsible for the  
5 administration and management of the State's participation in  
6 the compact shall be appointed by the State Council.

7 Section 45. Interstate Commission on Educational  
8 Opportunity for Military Children.

9 (a) The member states hereby create the "Interstate  
10 Commission on Educational Opportunity for Military Children".  
11 The activities of the Interstate Commission are the formation  
12 of public policy and are a discretionary state function. The  
13 Interstate Commission shall:

14 (1) Be a body corporate and joint agency of the member  
15 states and shall have all the responsibilities, powers, and  
16 duties set forth herein, and such additional powers as may  
17 be conferred upon it by a subsequent concurrent action of  
18 the respective legislatures of the member states in  
19 accordance with the terms of the compact.

20 (2) Consist of one Interstate Commission voting  
21 representative from each member state who shall be that  
22 state's compact commissioner.

23 (A) Each member state represented at a meeting of  
24 the Interstate Commission is entitled to one vote.

25 (B) A majority of the total member states shall

1           constitute a quorum for the transaction of business,  
2           unless a larger quorum is required by the bylaws of the  
3           Interstate Commission.

4           (C) A representative shall not delegate a vote to  
5           another member state. In the event the compact  
6           commissioner is unable to attend a meeting of the  
7           Interstate Commission, the State Council may delegate  
8           voting authority to another person from their state for  
9           a specified meeting.

10          (D) The bylaws may provide for meetings of the  
11          Interstate Commission to be conducted by  
12          telecommunication or electronic communication.

13          (3) Consist of ex-officio, non-voting representatives  
14          who are members of interested organizations. Such  
15          ex-officio members, as defined in the bylaws, may include,  
16          but not be limited to, members of the representative  
17          organizations of military family advocates, local  
18          education agency officials, parent and teacher groups, the  
19          U.S. Department of Defense, the Education Commission of the  
20          States, the Interstate Agreement on the Qualification of  
21          Educational Personnel, and other interstate compacts  
22          affecting the education of children of military members.

23          (4) Meet at least once each calendar year. The  
24          chairperson may call additional meetings and, upon the  
25          request of a simple majority of the member states, shall  
26          call additional meetings.

1           (5) Establish an executive committee, whose members  
2 shall include the officers of the Interstate Commission and  
3 such other members of the Interstate Commission as  
4 determined by the bylaws. Members of the executive  
5 committee shall serve a one-year term. Members of the  
6 executive committee shall be entitled to one vote each. The  
7 executive committee shall have the power to act on behalf  
8 of the Interstate Commission, with the exception of  
9 rulemaking, during periods when the Interstate Commission  
10 is not in session. The executive committee shall oversee  
11 the day-to-day activities of the administration of the  
12 compact, including enforcement and compliance with the  
13 provisions of the compact, its bylaws and rules, and other  
14 such duties as deemed necessary. The U.S. Department of  
15 Defense shall serve as an ex-officio, nonvoting member of  
16 the executive committee.

17           (6) Establish bylaws and rules that provide for  
18 conditions and procedures under which the Interstate  
19 Commission shall make its information and official records  
20 available to the public for inspection or copying. The  
21 Interstate Commission may exempt from disclosure  
22 information or official records to the extent they would  
23 adversely affect personal privacy rights or proprietary  
24 interests.

25           (7) Give public notice of all meetings, and all  
26 meetings shall be open to the public, except as set forth



1 in the rules or as otherwise provided in the compact. The  
2 Interstate Commission and its committees may close a  
3 meeting, or portion thereof, where it determines by  
4 two-thirds vote that an open meeting would be likely to:

5 (A) relate solely to the Interstate Commission's  
6 internal personnel practices and procedures;

7 (B) disclose matters specifically exempted from  
8 disclosure by federal and state statute;

9 (C) disclose trade secrets or commercial or  
10 financial information which is privileged or  
11 confidential;

12 (D) involve accusing a person of a crime or  
13 formally censuring a person;

14 (E) disclose information of a personal nature  
15 where disclosure would constitute a clearly  
16 unwarranted invasion of personal privacy;

17 (F) disclose investigative records compiled for  
18 law enforcement purposes; or

19 (G) specifically relate to the Interstate  
20 Commission's participation in a civil action or other  
21 legal proceeding.

22 (8) Cause its legal counsel or designee to certify that  
23 a meeting may be closed and shall reference each relevant  
24 exemptible provision for any meeting, or portion of a  
25 meeting, which is closed pursuant to this provision. The  
26 Interstate Commission shall keep minutes, which shall

1 fully and clearly describe all matters discussed in a  
2 meeting and shall provide a full and accurate summary of  
3 actions taken, and the reasons therefore, including a  
4 description of the views expressed and the record of a roll  
5 call vote. All documents considered in connection with an  
6 action shall be identified in such minutes. All minutes and  
7 documents of a closed meeting shall remain under seal,  
8 subject to release by a majority vote of the Interstate  
9 Commission.

10 (9) Collect standardized data concerning the  
11 educational transition of the children of military  
12 families under the compact as directed through its rules,  
13 which shall specify the data to be collected, the means of  
14 collection and data exchange and reporting requirements.  
15 Such methods of data collection, exchange, and reporting  
16 shall, in so far as is reasonably possible, conform to  
17 current technology and coordinate its information  
18 functions with the appropriate State custodian of  
19 educational records as identified in the rules.

20 (10) Create a process that permits military officials,  
21 education officials, and parents to inform the Interstate  
22 Commission if and when there are alleged violations of the  
23 compact or its rules or when issues subject to the  
24 jurisdiction of the compact or its rules are not addressed  
25 by the state or local education agency. This Section shall  
26 not be construed to create a private right of action

1 against the Interstate Commission or any member state.

2 (b) The Interstate Commission shall have the following  
3 powers:

4 (1) To provide for dispute resolution among member  
5 states.

6 (2) To promulgate rules and take all necessary actions  
7 to effect the goals, purposes, and obligations as  
8 enumerated in the compact. The rules shall be binding in  
9 the compact states to the extent and in the manner provided  
10 in this Act. These rules are not effective or enforceable  
11 in this State until enacted into law in this State.

12 (3) To issue, upon request of a member state, advisory  
13 opinions concerning the meaning or interpretation of the  
14 interstate compact, its bylaws, rules, and actions.

15 (4) To enforce compliance with the compact provisions  
16 and the rules promulgated by the Interstate Commission  
17 using all necessary and proper means, including, but not  
18 limited to, the use of judicial process. These rules are  
19 not effective or enforceable in this State until enacted  
20 into law in this State.

21 (5) To establish and maintain offices, which shall be  
22 located within one or more of the member states.

23 (6) To purchase and maintain insurance and bonds.

24 (7) To borrow, accept, hire, or contract for services  
25 of personnel.

26 (8) To establish and appoint committees including, but

1 not limited to, an executive committee as required by item  
2 (5) of subsection (a) of this Section, which shall have the  
3 power to act on behalf of the Interstate Commission in  
4 carrying out its powers and duties hereunder.

5 (9) To elect or appoint such officers, attorneys,  
6 employees, agents, or consultants; to fix their  
7 compensation, define their duties, and determine their  
8 qualifications; and to establish the Interstate  
9 Commission's personnel policies and programs relating to  
10 conflicts of interest, rates of compensation, and  
11 qualifications of personnel.

12 (10) To accept any and all donations and grants of  
13 money, equipment, supplies, materials, and services, and  
14 to receive, utilize, and dispose of it.

15 (11) To lease, purchase, accept contributions or  
16 donations of, or otherwise to own, hold, improve, or use  
17 any property, real, personal, or mixed.

18 (12) To sell, convey, mortgage, pledge, lease,  
19 exchange, abandon, or otherwise dispose of any property,  
20 real, personal, or mixed.

21 (13) To establish a budget and make expenditures.

22 (14) To adopt a seal and bylaws governing the  
23 management and operation of the Interstate Commission.

24 (15) To report annually to the legislatures,  
25 governors, judiciary, and state councils of the member  
26 states concerning the activities of the Interstate

1 Commission during the preceding year. Such reports shall  
2 also include any recommendations that may have been adopted  
3 by the Interstate Commission.

4 (16) To coordinate education, training, and public  
5 awareness regarding the compact, its implementation, and  
6 operation for officials and parents involved in such  
7 activity.

8 (17) To establish uniform standards for the reporting,  
9 collecting, and exchanging of data. These standards are not  
10 effective or enforceable in this State until enacted into  
11 law in this State.

12 (18) To maintain corporate books and records in  
13 accordance with the bylaws.

14 (19) To perform such functions as may be necessary or  
15 appropriate to achieve the purposes of the compact.

16 (20) To provide for the uniform collection and sharing  
17 of information between and among member states, schools,  
18 and military families under the compact. Provision for the  
19 collection and sharing of information is not effective or  
20 enforceable in this State until enacted into law in this  
21 State.

22 (c) The Interstate Commission shall, by a majority of the  
23 members present and voting, within 12 months after the first  
24 Interstate Commission meeting, adopt bylaws to govern its  
25 conduct as may be necessary or appropriate to carry out the  
26 purposes of the compact, including, but not limited to:

1           (1) Establishing the fiscal year of the Interstate  
2 Commission.

3           (2) Establishing an executive committee and such other  
4 committees as may be necessary.

5           (3) Providing for the establishment of committees and  
6 for governing any general or specific delegation of  
7 authority or function of the Interstate Commission.

8           (4) Providing reasonable procedures for calling and  
9 conducting meetings of the Interstate Commission, and  
10 ensuring reasonable notice of each such meeting.

11           (5) Establishing the titles and responsibilities of  
12 the officers and staff of the Interstate Commission.

13           (6) Providing a mechanism for concluding the  
14 operations of the Interstate Commission and the return of  
15 surplus funds that may exist upon the termination of the  
16 compact after the payment and reserving of all of its debts  
17 and obligations.

18           (7) Providing "start-up" rules for initial  
19 administration of the compact. These rules are not  
20 effective or enforceable in this State until enacted into  
21 law in this State.

22           (d) The Interstate Commission shall, by a majority of the  
23 members, elect annually from among its members a chairperson, a  
24 vice-chairperson, and a treasurer, each of whom shall have such  
25 authority and duties as may be specified in the bylaws. The  
26 chairperson or, in the chairperson's absence or disability, the

1 vice-chairperson, shall preside at all meetings of the  
2 Interstate Commission. The officers so elected shall serve  
3 without compensation or remuneration from the Interstate  
4 Commission, provided that, subject to the availability of  
5 budgeted funds, the officers shall be reimbursed for ordinary  
6 and necessary costs and expenses incurred by them in the  
7 performance of their responsibilities as officers of the  
8 Interstate Commission.

9 (e) The executive committee shall have such authority and  
10 duties as may be set forth in the bylaws, including, but not  
11 limited to:

12 (1) managing the affairs of the Interstate Commission  
13 in a manner consistent with the bylaws and purposes of the  
14 Interstate Commission;

15 (2) overseeing an organizational structure within and  
16 appropriate procedures for the Interstate Commission to  
17 provide for the creation of rules, operating procedures,  
18 and administrative and technical support functions; and

19 (3) planning, implementing, and coordinating  
20 communications and activities with other state, federal,  
21 and local government organizations in order to advance the  
22 goals of the Interstate Commission.

23 The executive committee may, subject to the approval of the  
24 Interstate Commission, appoint or retain an executive director  
25 for such period, upon such terms and conditions and for such  
26 compensation, as the Interstate Commission may deem

1 appropriate. The executive director shall serve as secretary to  
2 the Interstate Commission, but shall not be a member of the  
3 Interstate Commission. The executive director shall hire and  
4 supervise such other persons as may be authorized by the  
5 Interstate Commission.

6 (f) The Interstate Commission's executive director and its  
7 employees shall be immune from suit and liability, either  
8 personally or in their official capacity, for a claim for  
9 damage to or loss of property or personal injury or other civil  
10 liability caused or arising out of or relating to an actual or  
11 alleged act, error, or omission that occurred, or that such  
12 person had a reasonable basis for believing occurred, within  
13 the scope of Interstate Commission employment, duties, or  
14 responsibilities; provided, that such person shall not be  
15 protected from suit or liability for damage, loss, injury, or  
16 liability caused by the intentional or willful and wanton  
17 misconduct of such person.

18 (g) The liability of the Interstate Commission's executive  
19 director and employees or Interstate Commission  
20 representatives, acting within the scope of such person's  
21 employment or duties, for acts, errors, or omissions occurring  
22 within such person's state may not exceed the limits of  
23 liability set forth under the Constitution and laws of that  
24 state for state officials, employees, and agents. The  
25 Interstate Commission is considered to be an instrumentality of  
26 the states for the purposes of any such action. Nothing in this



1 subsection (g) shall be construed to protect such person from  
2 suit or liability for damage, loss, injury, or liability caused  
3 by the intentional or willful and wanton misconduct of such  
4 person.

5 (h) The Interstate Commission shall defend the executive  
6 director and its employees and, subject to the approval of the  
7 Attorney General or other appropriate legal counsel of the  
8 member state represented by an Interstate Commission  
9 representative, shall defend such Interstate Commission  
10 representative in any civil action seeking to impose liability  
11 arising out of an actual or alleged act, error, or omission  
12 that occurred within the scope of Interstate Commission  
13 employment, duties, or responsibilities, or that the defendant  
14 had a reasonable basis for believing occurred within the scope  
15 of Interstate Commission employment, duties, or  
16 responsibilities, provided that the actual or alleged act,  
17 error, or omission did not result from intentional or willful  
18 and wanton misconduct on the part of such person.

19 (i) To the extent not covered by the state involved, member  
20 state, or the Interstate Commission, the representatives or  
21 employees of the Interstate Commission shall be held harmless  
22 in the amount of a settlement or judgment, including attorney's  
23 fees and costs, obtained against such persons arising out of an  
24 actual or alleged act, error, or omission that occurred within  
25 the scope of Interstate Commission employment, duties, or  
26 responsibilities, or that such persons had a reasonable basis

1 for believing occurred within the scope of Interstate  
2 Commission employment, duties, or responsibilities, provided  
3 that the actual or alleged act, error, or omission did not  
4 result from intentional or willful and wanton misconduct on the  
5 part of such persons.

6 Section 50. Rulemaking of the Interstate Commission. The  
7 Interstate Commission on Educational Opportunity for Military  
8 Children shall promulgate reasonable rules in order to  
9 effectively and efficiently achieve the purposes of the  
10 compact. Notwithstanding the foregoing, in the event the  
11 Interstate Commission exercises its rulemaking authority in a  
12 manner that is beyond the scope of the purposes of the compact,  
13 or the powers granted hereunder, then such an action by the  
14 Interstate Commission shall be invalid and have no force or  
15 effect. Notwithstanding the other provisions of this Section,  
16 no rule is effective or enforceable in this State until enacted  
17 into law in this State.

18 Rules shall be made pursuant to a rulemaking process that  
19 substantially conforms to the "Model State Administrative  
20 Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15,  
21 p.1 (2000) as amended, as may be appropriate to the operations  
22 of the Interstate Commission.

23 Notwithstanding any other provision of this Act, no rule of  
24 the Interstate Commission has force and effect in this State  
25 unless and until the State Council reviews the rule and

1 recommends to the General Assembly that the rule be enacted  
2 into law in this State and the rule is enacted into law in this  
3 State.

4 Section 55. Resolution of disputes. The Interstate  
5 Commission on Educational Opportunity for Military Children  
6 shall attempt, upon the request of a member state, to resolve  
7 disputes that are subject to the compact and that may arise  
8 among member states and between member and non-member states.

9 Section 60. Financing of the Interstate Commission.

10 (a) The Interstate Commission on Educational Opportunity  
11 for Military Children shall pay or provide for the payment of  
12 the reasonable expenses of its establishment, organization,  
13 and ongoing activities.

14 (b) The Interstate Commission may levy and collect an  
15 annual assessment of \$1 per student who has a parent who is  
16 active duty military personnel.

17 (c) The Interstate Commission shall not incur obligations  
18 of any kind prior to securing the funds adequate to meet the  
19 same; nor shall the Interstate Commission pledge the credit of  
20 any of the member states, except by and with the authority of  
21 the member state.

22 (d) The Interstate Commission shall keep accurate accounts  
23 of all receipts and disbursements. The receipts and  
24 disbursements of the Interstate Commission shall be subject to

1 the audit and accounting procedures established under its  
2 bylaws. However, all receipts and disbursements of funds  
3 handled by the Interstate Commission shall be audited yearly by  
4 a certified or licensed public accountant, and the report of  
5 the audit shall be included in and become part of the annual  
6 report of the Interstate Commission.

7 Section 65. Withdrawal and dissolution of compact.

8 (a) Once effective, the compact shall continue in force and  
9 remain binding upon each and every member state, provided that  
10 a member state may withdraw from the compact by specifically  
11 repealing the statute that enacted the compact into law.

12 (b) Withdrawal from the compact shall be by the enactment  
13 of a statute repealing the same.

14 (c) The withdrawing state shall immediately notify the  
15 chairperson of the Interstate Commission on Educational  
16 Opportunity for Military Children in writing upon the  
17 introduction of legislation repealing the compact in the  
18 withdrawing state. The Interstate Commission shall notify the  
19 other member states of the withdrawing state's intent to  
20 withdraw within 60 days of its receipt thereof.

21 (d) The withdrawing state is responsible for all  
22 assessments, obligations, and liabilities incurred through the  
23 effective date of withdrawal.

24 (e) Reinstatement following withdrawal of a member state  
25 shall occur upon the withdrawing state reenacting the compact

1 or upon such later date as determined by the Interstate  
2 Commission.

3 (f) The compact shall dissolve effective upon the date of  
4 the withdrawal or default of the member state that reduces the  
5 membership in the compact to one member state.

6 (g) Upon the dissolution of the compact, the compact  
7 becomes null and void and shall be of no further force or  
8 effect, and the business and affairs of the Interstate  
9 Commission shall be concluded and surplus funds shall be  
10 distributed in accordance with the bylaws.

11 Section 70. Severability and construction.

12 (a) The provisions of this Act are severable, and if any  
13 phrase, clause, sentence, or provision is deemed  
14 unenforceable, the remaining provisions of this Act are  
15 enforceable.

16 (b) The provisions of this Act shall be liberally construed  
17 to effectuate its purposes.

18 (c) Nothing in this Act shall be construed to prohibit the  
19 applicability of other interstate compacts to which the states  
20 are members.

21 Section 75. Binding effect of Act and other laws.

22 (a) Nothing in this Act prevents the enforcement of any  
23 other law that is not inconsistent with this Act.

24 (b) All laws conflicting with this Act are superseded to

1 the extent of the conflict.

2 (c) All agreements between the Interstate Commission on  
3 Educational Opportunity for Military Children and the member  
4 states are binding in accordance with their terms.

5 (d) In the event any provision of this Act exceeds the  
6 constitutional limits imposed on the legislature, such  
7 provision shall be ineffective to the extent of the conflict  
8 with the constitutional provision in question.

9 Section 905. The School Code is amended by changing Section  
10 27-8.1 as follows:

11 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

12 Sec. 27-8.1. Health examinations and immunizations.

13 (1) In compliance with rules and regulations which the  
14 Department of Public Health shall promulgate, and except as  
15 hereinafter provided, all children in Illinois shall have a  
16 health examination as follows: within one year prior to  
17 entering kindergarten or the first grade of any public,  
18 private, or parochial elementary school; upon entering the  
19 sixth and ninth grades of any public, private, or parochial  
20 school; prior to entrance into any public, private, or  
21 parochial nursery school; and, irrespective of grade,  
22 immediately prior to or upon entrance into any public, private,  
23 or parochial school or nursery school, each child shall present  
24 proof of having been examined in accordance with this Section

1 and the rules and regulations promulgated hereunder. Any child  
2 who received a health examination within one year prior to  
3 entering the fifth grade for the 2007-2008 school year is not  
4 required to receive an additional health examination in order  
5 to comply with the provisions of Public Act 95-422 when he or  
6 she attends school for the 2008-2009 school year, unless the  
7 child is attending school for the first time as provided in  
8 this paragraph.

9 A tuberculosis skin test screening shall be included as a  
10 required part of each health examination included under this  
11 Section if the child resides in an area designated by the  
12 Department of Public Health as having a high incidence of  
13 tuberculosis. Additional health examinations of pupils,  
14 including eye examinations, may be required when deemed  
15 necessary by school authorities. Parents are encouraged to have  
16 their children undergo eye examinations at the same points in  
17 time required for health examinations.

18 (1.5) In compliance with rules adopted by the Department of  
19 Public Health and except as otherwise provided in this Section,  
20 all children in kindergarten and the second and sixth grades of  
21 any public, private, or parochial school shall have a dental  
22 examination. Each of these children shall present proof of  
23 having been examined by a dentist in accordance with this  
24 Section and rules adopted under this Section before May 15th of  
25 the school year. If a child in the second or sixth grade fails  
26 to present proof by May 15th, the school may hold the child's

1 report card until one of the following occurs: (i) the child  
2 presents proof of a completed dental examination or (ii) the  
3 child presents proof that a dental examination will take place  
4 within 60 days after May 15th. The Department of Public Health  
5 shall establish, by rule, a waiver for children who show an  
6 undue burden or a lack of access to a dentist. Each public,  
7 private, and parochial school must give notice of this dental  
8 examination requirement to the parents and guardians of  
9 students at least 60 days before May 15th of each school year.

10 (1.10) Except as otherwise provided in this Section, all  
11 children enrolling in kindergarten in a public, private, or  
12 parochial school on or after the effective date of this  
13 amendatory Act of the 95th General Assembly and any student  
14 enrolling for the first time in a public, private, or parochial  
15 school on or after the effective date of this amendatory Act of  
16 the 95th General Assembly shall have an eye examination. Each  
17 of these children shall present proof of having been examined  
18 by a physician licensed to practice medicine in all of its  
19 branches or a licensed optometrist within the previous year, in  
20 accordance with this Section and rules adopted under this  
21 Section, before October 15th of the school year. If the child  
22 fails to present proof by October 15th, the school may hold the  
23 child's report card until one of the following occurs: (i) the  
24 child presents proof of a completed eye examination or (ii) the  
25 child presents proof that an eye examination will take place  
26 within 60 days after October 15th. The Department of Public



1 Health shall establish, by rule, a waiver for children who show  
2 an undue burden or a lack of access to a physician licensed to  
3 practice medicine in all of its branches who provides eye  
4 examinations or to a licensed optometrist. Each public,  
5 private, and parochial school must give notice of this eye  
6 examination requirement to the parents and guardians of  
7 students in compliance with rules of the Department of Public  
8 Health. Nothing in this Section shall be construed to allow a  
9 school to exclude a child from attending because of a parent's  
10 or guardian's failure to obtain an eye examination for the  
11 child.

12 (2) The Department of Public Health shall promulgate rules  
13 and regulations specifying the examinations and procedures  
14 that constitute a health examination, which shall include the  
15 collection of data relating to obesity (including at a minimum,  
16 date of birth, gender, height, weight, blood pressure, and date  
17 of exam), and a dental examination and may recommend by rule  
18 that certain additional examinations be performed. The rules  
19 and regulations of the Department of Public Health shall  
20 specify that a tuberculosis skin test screening shall be  
21 included as a required part of each health examination included  
22 under this Section if the child resides in an area designated  
23 by the Department of Public Health as having a high incidence  
24 of tuberculosis. The Department of Public Health shall specify  
25 that a diabetes screening as defined by rule shall be included  
26 as a required part of each health examination. Diabetes testing

1 is not required.

2 Physicians licensed to practice medicine in all of its  
3 branches, advanced practice nurses who have a written  
4 collaborative agreement with a collaborating physician which  
5 authorizes them to perform health examinations, or physician  
6 assistants who have been delegated the performance of health  
7 examinations by their supervising physician shall be  
8 responsible for the performance of the health examinations,  
9 other than dental examinations, eye examinations, and vision  
10 and hearing screening, and shall sign all report forms required  
11 by subsection (4) of this Section that pertain to those  
12 portions of the health examination for which the physician,  
13 advanced practice nurse, or physician assistant is  
14 responsible. If a registered nurse performs any part of a  
15 health examination, then a physician licensed to practice  
16 medicine in all of its branches must review and sign all  
17 required report forms. Licensed dentists shall perform all  
18 dental examinations and shall sign all report forms required by  
19 subsection (4) of this Section that pertain to the dental  
20 examinations. Physicians licensed to practice medicine in all  
21 its branches or licensed optometrists shall perform all eye  
22 examinations required by this Section and shall sign all report  
23 forms required by subsection (4) of this Section that pertain  
24 to the eye examination. For purposes of this Section, an eye  
25 examination shall at a minimum include history, visual acuity,  
26 subjective refraction to best visual acuity near and far,

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

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

25 (4) The individuals conducting the health examination,  
26 dental examination, or eye examination shall record the fact of

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

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

1 for the administration of the immunizations and a statement of  
2 the medical reasons causing the delay, both the schedule and  
3 the statement being issued by the physician, advanced practice  
4 nurse, physician assistant, registered nurse, or local health  
5 department that will be responsible for administration of the  
6 remaining required immunizations. If a child does not comply by  
7 October 15, or by the earlier established date of the current  
8 school year, with the requirements of this subsection, then the  
9 local school authority shall exclude that child from school  
10 until such time as the child presents proof of having had the  
11 health examination as required and presents proof of having  
12 received those required immunizations which are medically  
13 possible to receive immediately. During a child's exclusion  
14 from school for noncompliance with this subsection, the child's  
15 parents or legal guardian shall be considered in violation of  
16 Section 26-1 and subject to any penalty imposed by Section  
17 26-10. This subsection (5) does not apply to dental  
18 examinations and eye examinations. Until June 30, 2012, if the  
19 student is an out-of-state transfer student and does not have  
20 the proof required under this subsection (5) before October 15  
21 of the current year or whatever date is set by the school  
22 district, then he or she may only attend classes (i) if he or  
23 she has proof that an appointment for the required vaccinations  
24 has been scheduled with a party authorized to submit proof of  
25 the required vaccinations. If the proof of vaccination required  
26 under this subsection (5) is not submitted within 30 days after

1 the student is permitted to attend classes, then the student is  
2 not to be permitted to attend classes until proof of the  
3 vaccinations has been properly submitted. No school district or  
4 employee of a school district shall be held liable for any  
5 injury or illness to another person that results from admitting  
6 an out-of-state transfer student to class that has an  
7 appointment scheduled pursuant to this subsection (5).

8 (6) Every school shall report to the State Board of  
9 Education by November 15, in the manner which that agency shall  
10 require, the number of children who have received the necessary  
11 immunizations and the health examination (other than a dental  
12 examination or eye examination) as required, indicating, of  
13 those who have not received the immunizations and examination  
14 as required, the number of children who are exempt from health  
15 examination and immunization requirements on religious or  
16 medical grounds as provided in subsection (8). Every school  
17 shall report to the State Board of Education by June 30, in the  
18 manner that the State Board requires, the number of children  
19 who have received the required dental examination, indicating,  
20 of those who have not received the required dental examination,  
21 the number of children who are exempt from the dental  
22 examination on religious grounds as provided in subsection (8)  
23 of this Section and the number of children who have received a  
24 waiver under subsection (1.5) of this Section. Every school  
25 shall report to the State Board of Education by June 30, in the  
26 manner that the State Board requires, the number of children

1 who have received the required eye examination, indicating, of  
2 those who have not received the required eye examination, the  
3 number of children who are exempt from the eye examination as  
4 provided in subsection (8) of this Section, the number of  
5 children who have received a waiver under subsection (1.10) of  
6 this Section, and the total number of children in noncompliance  
7 with the eye examination requirement. This reported  
8 information shall be provided to the Department of Public  
9 Health by the State 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 to  
14 Section 18-8.05 to the school district for such year may be  
15 withheld by the State Board of Education 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 dental, or eye examinations or any part thereof, or to  
20 immunizations, on religious grounds shall not be required to  
21 submit their children or wards to the examinations or  
22 immunizations to which they so object if such parents or legal  
23 guardians present to the appropriate local school authority a  
24 signed statement of objection, detailing the grounds for the  
25 objection. If the physical condition of the child is such that  
26 any one or more of the immunizing agents should not be

1 administered, the examining physician, advanced practice  
2 nurse, or physician assistant responsible for the performance  
3 of the health examination shall endorse that fact upon the  
4 health examination form. Exempting a child from the health,  
5 dental, or eye examination does not exempt the child from  
6 participation in the program of physical education training  
7 provided in Sections 27-5 through 27-7 of this Code.

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

12 (Source: P.A. 95-331, eff. 8-21-07; 95-422, eff. 8-24-07;  
13 95-496, eff. 8-28-07; 95-671, eff. 1-1-08; 95-737, eff.  
14 7-16-08; 95-876, eff. 8-21-08.)

15 Section 910. The Illinois School Student Records Act is  
16 amended by changing Section 8.1 as follows:

17 (105 ILCS 10/8.1) (from Ch. 122, par. 50-8.1)

18 Sec. 8.1. (a) No school may refuse to admit or enroll a  
19 student because of that student's failure to present his  
20 student permanent or temporary record from a school previously  
21 attended.

22 (b) When a new student applies for admission to a school  
23 and does not present his school student record, such school may  
24 notify the school or school district last attended by such



1 student, requesting that the student's school student record be  
2 copied and sent to it; such request shall be honored within 10  
3 days after it is received. Within 10 days after receiving a  
4 request from the Department of Children and Family Services,  
5 the school district last attended by the student shall send the  
6 student's school student record to the receiving school  
7 district.

8 (c) In the case of a transfer between school districts of a  
9 student who is eligible for special education and related  
10 services, when the parent or guardian of the student presents a  
11 copy of the student's then current individualized education  
12 program (IEP) to the new school, the student shall be placed in  
13 a special education program in accordance with that described  
14 in the student's IEP.

15 (d) Until June 30, 2012, out-of-state transfer students,  
16 including children of military personnel that transfer into  
17 this State, may use unofficial transcripts for admission to a  
18 school until official transcripts are obtained from his or her  
19 last school district.

20 (Source: P.A. 87-372.)

21 Section 995. Repealer. This Act is repealed on June 30,  
22 2012.

23 Section 999. Effective date. This Act takes effect upon  
24 becoming law.