

# HB3998



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB3998**

Introduced 1/18/2012, by Rep. Lou Lang

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-8.1

from Ch. 122, par. 27-8.1

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

LRB097 16815 NHT 61995 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 sixth 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. Any child  
21 who received a health examination within one year prior to  
22 entering the fifth grade for the 2007-2008 school year is not  
23 required to receive an additional health examination in order

1 to comply with the provisions of Public Act 95-422 when he or  
2 she attends school for the 2008-2009 school year, unless the  
3 child is attending school for the first time as provided in  
4 this paragraph.

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

14 (1.5) In compliance with rules adopted by the Department of  
15 Public Health and except as otherwise provided in this Section,  
16 all children in kindergarten and the second and sixth grades of  
17 any public, private, or parochial school shall have a dental  
18 examination. Each of these children shall present proof of  
19 having been examined by a dentist in accordance with this  
20 Section and rules adopted under this Section before May 15th of  
21 the school year. If a child in the second or sixth grade fails  
22 to present proof by May 15th, the school may hold the child's  
23 report card until one of the following occurs: (i) the child  
24 presents proof of a completed dental examination or (ii) the  
25 child presents proof that a dental examination will take place  
26 within 60 days after May 15th. The Department of Public Health

1 shall establish, by rule, a waiver for children who show an  
2 undue burden or a lack of access to a dentist. Each public,  
3 private, and parochial school must give notice of this dental  
4 examination requirement to the parents and guardians of  
5 students at least 60 days before May 15th of each school year.

6 (1.10) Except as otherwise provided in this Section, all  
7 children enrolling in kindergarten in a public, private, or  
8 parochial school on or after the effective date of this  
9 amendatory Act of the 95th General Assembly and any student  
10 enrolling for the first time in a public, private, or parochial  
11 school on or after the effective date of this amendatory Act of  
12 the 95th General Assembly shall have an eye examination. Each  
13 of these children shall present proof of having been examined  
14 by a physician licensed to practice medicine in all of its  
15 branches or a licensed optometrist within the previous year, in  
16 accordance with this Section and rules adopted under this  
17 Section, before October 15th of the school year. If the child  
18 fails to present proof by October 15th, the school may hold the  
19 child's report card until one of the following occurs: (i) the  
20 child presents proof of a completed eye examination or (ii) the  
21 child presents proof that an eye examination will take place  
22 within 60 days after October 15th. The Department of Public  
23 Health shall establish, by rule, a waiver for children who show  
24 an undue burden or a lack of access to a physician licensed to  
25 practice medicine in all of its branches who provides eye  
26 examinations or to a licensed optometrist. Each public,

1 private, and parochial school must give notice of this eye  
2 examination requirement to the parents and guardians of  
3 students in compliance with rules of the Department of Public  
4 Health. Nothing in this Section shall be construed to allow a  
5 school to exclude a child from attending because of a parent's  
6 or guardian's failure to obtain an eye examination for the  
7 child.

8 (2) The Department of Public Health shall promulgate rules  
9 and regulations specifying the examinations and procedures  
10 that constitute a health examination, which shall include the  
11 collection of data relating to obesity (including at a minimum,  
12 date of birth, gender, height, weight, blood pressure, and date  
13 of exam), and a dental examination and may recommend by rule  
14 that certain additional examinations be performed. The rules  
15 and regulations of the Department of Public Health shall  
16 specify that a tuberculosis skin test screening shall be  
17 included as a required part of each health examination included  
18 under this Section if the child resides in an area designated  
19 by the Department of Public Health as having a high incidence  
20 of tuberculosis. The Department of Public Health shall specify  
21 that a diabetes screening as defined by rule shall be included  
22 as a required part of each health examination. Diabetes testing  
23 is not required.

24 Physicians licensed to practice medicine in all of its  
25 branches, advanced practice nurses who have a written  
26 collaborative agreement with a collaborating physician which

1 authorizes them to perform health examinations, or physician  
2 assistants who have been delegated the performance of health  
3 examinations by their supervising physician shall be  
4 responsible for the performance of the health examinations,  
5 other than dental examinations, eye examinations, and vision  
6 and hearing screening, and shall sign all report forms required  
7 by subsection (4) of this Section that pertain to those  
8 portions of the health examination for which the physician,  
9 advanced practice nurse, or physician assistant is  
10 responsible. If a registered nurse performs any part of a  
11 health examination, then a physician licensed to practice  
12 medicine in all of its branches must review and sign all  
13 required report forms. Licensed dentists shall perform all  
14 dental examinations and shall sign all report forms required by  
15 subsection (4) of this Section that pertain to the dental  
16 examinations. Physicians licensed to practice medicine in all  
17 its branches or licensed optometrists shall perform all eye  
18 examinations required by this Section and shall sign all report  
19 forms required by subsection (4) of this Section that pertain  
20 to the eye examination. For purposes of this Section, an eye  
21 examination shall at a minimum include history, visual acuity,  
22 subjective refraction to best visual acuity near and far,  
23 internal and external examination, and a glaucoma evaluation,  
24 as well as any other tests or observations that in the  
25 professional judgment of the doctor are necessary. Vision and  
26 hearing screening tests, which shall not be considered

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

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

21 (4) The individuals conducting the health examination,  
22 dental examination, or eye examination shall record the fact of  
23 having conducted the examination, and such additional  
24 information as required, including for a health examination  
25 data relating to obesity (including at a minimum, date of  
26 birth, gender, height, weight, blood pressure, and date of

1 exam), on uniform forms which the Department of Public Health  
2 and the State Board of Education shall prescribe for statewide  
3 use. The examiner shall summarize on the report form any  
4 condition that he or she suspects indicates a need for special  
5 services, including for a health examination factors relating  
6 to obesity. The individuals confirming the administration of  
7 required immunizations shall record as indicated on the form  
8 that the immunizations were administered.

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



1 department that will be responsible for administration of the  
2 remaining required immunizations. If a child does not comply by  
3 October 15, or by the earlier established date of the current  
4 school year, with the requirements of this subsection, then the  
5 local school authority shall exclude that child from school  
6 until such time as the child presents proof of having had the  
7 health examination as required and presents proof of having  
8 received those required immunizations which are medically  
9 possible to receive immediately. During a child's exclusion  
10 from school for noncompliance with this subsection, the child's  
11 parents or legal guardian shall be considered in violation of  
12 Section 26-1 and subject to any penalty imposed by Section  
13 26-10. This subsection (5) does not apply to dental  
14 examinations and eye examinations. Until June 30, 2015, if the  
15 student is an out-of-state transfer student and does not have  
16 the proof required under this subsection (5) before October 15  
17 of the current year or whatever date is set by the school  
18 district, then he or she may only attend classes (i) if he or  
19 she has proof that an appointment for the required vaccinations  
20 has been scheduled with a party authorized to submit proof of  
21 the required vaccinations. If the proof of vaccination required  
22 under this subsection (5) is not submitted within 30 days after  
23 the student is permitted to attend classes, then the student is  
24 not to be permitted to attend classes until proof of the  
25 vaccinations has been properly submitted. No school district or  
26 employee of a school district shall be held liable for any

1 injury or illness to another person that results from admitting  
2 an out-of-state transfer student to class that has an  
3 appointment scheduled pursuant to this subsection (5).

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

1 children who have received a waiver under subsection (1.10) of  
2 this Section, and the total number of children in noncompliance  
3 with the eye examination requirement. This reported  
4 information shall be provided to the Department of Public  
5 Health by the State Board of Education.

6 (7) Upon determining that the number of pupils who are  
7 required to be in compliance with subsection (5) of this  
8 Section is below 90% of the number of pupils enrolled in the  
9 school district, 10% of each State aid payment made pursuant to  
10 Section 18-8.05 to the school district for such year may be  
11 withheld by the State Board of Education until the number of  
12 students in compliance with subsection (5) is the applicable  
13 specified percentage or higher.

14 (8) Parents or legal guardians who object to health,  
15 dental, or eye examinations or any part thereof, or to  
16 immunizations, on religious grounds shall not be required to  
17 submit their children or wards to the examinations or  
18 immunizations to which they so object if such parents or legal  
19 guardians present to the appropriate local school authority a  
20 signed statement of objection, detailing the grounds for the  
21 objection. If the physical condition of the child is such that  
22 any one or more of the immunizing agents should not be  
23 administered, the examining physician, advanced practice  
24 nurse, or physician assistant responsible for the performance  
25 of the health examination shall endorse that fact upon the  
26 health examination form. Exempting a child from the health,

1 dental, or eye examination does not exempt the child from  
2 participation in the program of physical education training  
3 provided in Sections 27-5 through 27-7 of this Code.

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

8 (Source: P.A. 96-953, eff. 6-28-10; 97-216, eff. 1-1-12.)