

SB3405



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3405

Introduced 2/7/2012, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-8.1

from Ch. 122, par. 27-8.1

Amends the School Code. Provides that, on or before December 1 of each year, every public school district and registered nonpublic school shall make publicly available the immunization data they are required to submit to the State Board of Education by November 15; defines "publicly available". Provides that the immunization data made publicly available must be identical to the data the school district or school has reported to the State Board of Education. Effective January 1, 2013.

LRB097 16984 NHT 62175 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 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). On or before
13 December 1 of each year, every public school district and
14 registered nonpublic school shall make publicly available the
15 immunization data they are required to submit to the State
16 Board of Education by November 15. "Publicly available"
17 includes electronic posting on a school district's or school's
18 Internet website or a notice sent through the U.S. postal
19 service to every student's parent or guardian. The immunization
20 data made publicly available must be identical to the data the
21 school district or school has reported to the State Board of
22 Education.

23 Every school shall report to the State Board of Education
24 by June 30, in the manner that the State Board requires, the
25 number of children who have received the required dental
26 examination, indicating, of those who have not received the

1 required dental examination, the number of children who are
2 exempt from the dental examination on religious grounds as
3 provided in subsection (8) of this Section and the number of
4 children who have received a waiver under subsection (1.5) of
5 this Section.

6 Every school shall report to the State Board of Education
7 by June 30, in the manner that the State Board requires, the
8 number of children who have received the required eye
9 examination, indicating, of those who have not received the
10 required eye examination, the number of children who are exempt
11 from the eye examination as provided in subsection (8) of this
12 Section, the number of children who have received a waiver
13 under subsection (1.10) of this Section, and the total number
14 of children in noncompliance with the eye examination
15 requirement.

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

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

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

22 Section 99. Effective date. This Act takes effect January
23 1, 2013.