

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 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. For the purposes of this Section, a separate eye
3 examination is included as a part of the health examination
4 required within one year prior to entering kindergarten or the
5 first grade, whichever grade the child first enters, of any
6 public, private, or parochial elementary school. Additional
7 health examinations of pupils, including eye ~~vision~~
8 examinations in other grades, may be required when deemed
9 necessary by school authorities. Parents are encouraged to have
10 their children undergo eye ~~vision~~ examinations in other grades
11 at the same points in time required for health examinations.

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

1 private, and parochial school must give notice of this dental
2 examination requirement to the parents and guardians of
3 students at least 60 days before May 15th of each school year.

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

20 Physicians licensed to practice medicine in all of its
21 branches, advanced practice nurses who have a written
22 collaborative agreement with a collaborating physician which
23 authorizes them to perform health examinations, or physician
24 assistants who have been delegated the performance of health
25 examinations by their supervising physician shall be
26 responsible for the performance of the health examinations,

1 other than dental examinations and vision and hearing
2 screening, and shall sign all report forms required by
3 subsection (4) of this Section that pertain to those portions
4 of the health examination for which the physician, advanced
5 practice nurse, or physician assistant is responsible. If a
6 registered nurse performs any part of a health examination,
7 then a physician licensed to practice medicine in all of its
8 branches must review and sign all required report forms.
9 Licensed dentists shall perform all dental examinations and
10 shall sign all report forms required by subsection (4) of this
11 Section that pertain to the dental examinations. Physicians
12 licensed to practice medicine in all its branches, or licensed
13 optometrists, shall perform all eye examinations ~~vision exams~~
14 required by this Section or by school authorities in accordance
15 with the minimum standards set forth in rules adopted under the
16 Illinois Optometric Practice Act of 1987 as they pertain to
17 children and shall sign all report forms required by subsection
18 (4) of this Section that pertain to the eye examination ~~vision~~
19 ~~exam~~. Vision and hearing screening tests, which shall not be
20 considered examinations as that term is used in this Section,
21 shall be conducted in accordance with rules and regulations of
22 the Department of Public Health, and by individuals whom the
23 Department of Public Health has certified. In these rules and
24 regulations, the Department of Public Health shall require that
25 individuals conducting vision screening tests give a child's
26 parent or guardian written notification, before the vision

1 screening is conducted, that states, "Vision screening is not a
2 substitute for a complete eye and vision evaluation by an eye
3 doctor. Your child is not required to undergo this vision
4 screening if an optometrist or ophthalmologist has completed
5 and signed a report form indicating that an examination has
6 been administered within the previous 12 months."

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

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

1 administered.

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

1 received those required immunizations which are medically
2 possible to receive immediately. During a child's exclusion
3 from school for noncompliance with this subsection, the child's
4 parents or legal guardian shall be considered in violation of
5 Section 26-1 and subject to any penalty imposed by Section
6 26-10. This subsection (5) does not apply to dental
7 examinations.

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) as required, indicating, of those who have not
13 received the immunizations and examination as required, the
14 number of children who are exempt from health examination and
15 immunization requirements on religious or medical grounds as
16 provided in subsection (8). Every school shall report to the
17 State Board of Education by June 30, in the manner that the
18 State Board requires, the number of children who have received
19 the required dental examination, indicating, of those who have
20 not received the required dental examination, the number of
21 children who are exempt from the dental examination on
22 religious grounds as provided in subsection (8) of this Section
23 and the number of children who have received a waiver under
24 subsection (1.5) of this Section. This reported information
25 shall be provided to the Department of Public Health by the
26 State Board of Education.

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

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

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

1 higher learning.

2 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;
3 93-530, eff. 1-1-04; 93-946, eff. 7-1-05; 93-966, eff. 1-1-05;
4 revised 12-1-05.)

5 Section 90. The State Mandates Act is amended by adding
6 Section 8.31 as follows:

7 (30 ILCS 805/8.31 new)

8 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
9 of this Act, no reimbursement by the State is required for the
10 implementation of any mandate created by this amendatory Act of
11 the 95th General Assembly.

12 Section 99. Effective date. This Act takes effect January
13 1, 2008.