



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0640

Introduced 2/6/2009, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-8.1

from Ch. 122, par. 27-8.1

Amends the School Code. Requires all children in the third and seventh grades of any public, private, or parochial school to have a scoliosis screening. Provides that each of these children shall present proof of having been examined by a chiropractor before May 15th of the school year. Provides that the Department of Public Health shall establish, by rule, a waiver for children who show an undue burden or a lack of access to a chiropractor. Requires each public, private, and parochial school to give notice of this scoliosis screening requirement to the parents and guardians of students at least 60 days before May 15th of each school year. Effective July 1, 2009.

LRB096 08328 NHT 18437 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 (1.15) In compliance with rules adopted by the Department
9 of Public Health and except as otherwise provided in this
10 Section, all children in the third and seventh grades of any
11 public, private, or parochial school shall have a scoliosis
12 screening. Each of these children shall present proof of having
13 been examined by a chiropractor in accordance with this Section
14 and rules adopted under this Section before May 15th of the
15 school year. If a child in the third or seventh grade fails to
16 present proof by May 15th, the school may hold the child's
17 report card until one of the following occurs: (i) the child
18 presents proof of a completed scoliosis screening or (ii) the
19 child presents proof that a scoliosis screening will take place
20 within 60 days after May 15th. The Department of Public Health
21 shall establish, by rule, a waiver for children who show an
22 undue burden or a lack of access to a chiropractor. Each
23 public, private, and parochial school must give notice of this
24 scoliosis screening requirement to the parents and guardians of
25 students at least 60 days before May 15th of each school year.

26 (2) The Department of Public Health shall promulgate rules

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

16 Physicians licensed to practice medicine in all of its
17 branches, advanced practice nurses who have a written
18 collaborative agreement with a collaborating physician which
19 authorizes them to perform health examinations, or physician
20 assistants who have been delegated the performance of health
21 examinations by their supervising physician shall be
22 responsible for the performance of the health examinations,
23 other than dental examinations, eye examinations, scoliosis
24 screenings, and vision and hearing screening, and shall sign
25 all report forms required by subsection (4) of this Section
26 that pertain to those portions of the health examination for

1 which the physician, advanced practice nurse, or physician
2 assistant is responsible. If a registered nurse performs any
3 part of a health examination, then a physician licensed to
4 practice medicine in all of its branches must review and sign
5 all required report forms. Licensed dentists shall perform all
6 dental examinations and shall sign all report forms required by
7 subsection (4) of this Section that pertain to the dental
8 examinations. Physicians licensed to practice medicine in all
9 its branches or licensed optometrists shall perform all eye
10 examinations required by this Section and shall sign all report
11 forms required by subsection (4) of this Section that pertain
12 to the eye examination. For purposes of this Section, an eye
13 examination shall at a minimum include history, visual acuity,
14 subjective refraction to best visual acuity near and far,
15 internal and external examination, and a glaucoma evaluation,
16 as well as any other tests or observations that in the
17 professional judgment of the doctor are necessary. Licensed
18 chiropractors shall perform all scoliosis screenings and shall
19 sign all report forms required by subsection (4) of this
20 Section that pertain to scoliosis screenings. Vision and
21 hearing screening tests, which shall not be considered
22 examinations as that term is used in this Section, shall be
23 conducted in accordance with rules and regulations of the
24 Department of Public Health, and by individuals whom the
25 Department of Public Health has certified. In these rules and
26 regulations, the Department of Public Health shall require that

1 individuals conducting vision screening tests give a child's
2 parent or guardian written notification, before the vision
3 screening is conducted, that states, "Vision screening is not a
4 substitute for a complete eye and vision evaluation by an eye
5 doctor. Your child is not required to undergo this vision
6 screening if an optometrist or ophthalmologist has completed
7 and signed a report form indicating that an examination has
8 been administered within the previous 12 months."

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

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

1 health examination factors relating to obesity. The
2 individuals confirming the administration of required
3 immunizations shall record as indicated on the form that the
4 immunizations were administered.

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

1 local school authority shall exclude that child from school
2 until such time as the child presents proof of having had the
3 health examination as required and presents proof of having
4 received those required immunizations which are medically
5 possible to receive immediately. During a child's exclusion
6 from school for noncompliance with this subsection, the child's
7 parents or legal guardian shall be considered in violation of
8 Section 26-1 and subject to any penalty imposed by Section
9 26-10. This subsection (5) does not apply to dental
10 examinations, ~~and~~ eye examinations, and scoliosis screenings.

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

1 and the number of children who have received a waiver under
2 subsection (1.5) of this Section. Every school shall report to
3 the State Board of Education by June 30, in the manner that the
4 State Board requires, the number of children who have received
5 the required eye examination, indicating, of those who have not
6 received the required eye examination, the number of children
7 who are exempt from the eye examination as provided in
8 subsection (8) of this Section, the number of children who have
9 received a waiver under subsection (1.10) of this Section, and
10 the total number of children in noncompliance with the eye
11 examination requirement. Every school shall report to the State
12 Board of Education by June 30, in the manner that the State
13 Board requires, the number of children who have receive the
14 required scoliosis screening, indicating, of those who have not
15 received the required scoliosis screening, the number of
16 children who are exempt from the scoliosis screening on
17 religious grounds as provided in subsection (8) of this Section
18 and the number of children who have received a waiver under
19 subsection (1.15) of this Section. This reported information
20 shall be provided to the Department of Public Health by the
21 State Board of Education.

22 (7) Upon determining that the number of pupils who are
23 required to be in compliance with subsection (5) of this
24 Section is below 90% of the number of pupils enrolled in the
25 school district, 10% of each State aid payment made pursuant to
26 Section 18-8.05 to the school district for such year may be

1 withheld by the State Board of Education until the number of
2 students in compliance with subsection (5) is the applicable
3 specified percentage or higher.

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

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

25 (Source: P.A. 95-331, eff. 8-21-07; 95-422, eff. 8-24-07;
26 95-496, eff. 8-28-07; 95-671, eff. 1-1-08; 95-737, eff.

1 7-16-08; 95-876, eff. 8-21-08.)

2 Section 99. Effective date. This Act takes effect July 1,
3 2009.