



Rep. Thomas Holbrook

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LRB096 15406 NHT 38810 a

1 AMENDMENT TO HOUSE BILL 4674

2 AMENDMENT NO. _____. Amend House Bill 4674 by replacing
3 everything after the enacting clause with the following:

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,

1 sequencing, or assessment;

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

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

6 (5) promoting flexibility and cooperation between the
7 educational system, parents, and the student in order to
8 achieve educational success for the student.

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

22 Section 15. Applicability. This Act applies only if the
23 member states of the Interstate Commission on Educational
24 Opportunity for Military Children approve this State as a

1 member state with this Act governing.

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

3 "Active duty military personnel" means active duty members
4 of the uniformed military services, including any of the
5 following:

6 (1) Members of the National Guard and Reserve that are
7 on active duty pursuant to 10 U.S.C. 1209 and 10 U.S.C.
8 1211.

9 (2) Members or veterans of the uniformed services who
10 are severely injured and medically discharged or retired
11 for a period of one year after medical discharge or
12 retirement.

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

15 "State Council" means the Illinois P-20 Council and
16 additional representatives appointed by the Illinois P-20
17 Council as provided under Section 40 of this Act.

18 Section 25. Tuition for transfer students.

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

23 (b) If a student who is a child of active duty military
24 personnel is (i) placed with a non-custodial parent and (ii) as

1 a result of placement, must attend a non-resident school
2 district, then the student must not be charged the tuition of
3 the school that the student attends as a result of placement
4 with the non-custodial parent and the student must be counted
5 in the calculation of average daily attendance under Section
6 18-8.05 of the School Code.

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

17 Section 35. Required courses for transfer students;
18 pre-requisites; credit transfer; graduation.

19 (a) A student that transfers to a new school district may
20 transfer into a comparable course to continue credit work for a
21 course from which the student transferred out of only if the
22 new school district offers the course and space is available.
23 This subsection (a) includes courses offered for gifted and
24 talented children pursuant to Article 14A of the School Code

1 and courses for the English as a Second Language program.

2 (b) The school district of a school may determine if
3 courses taken by a transfer student at his or her old school
4 satisfy the pre-requisite course requirements for any courses
5 that the transfer student wishes to take at his or her current
6 school. The school district may determine a current and future
7 schedule that is appropriate for the student that satisfies any
8 pre-requisite course requirements in order for that student to
9 take any courses that he or she wishes to attend.

10 (c) The school district of a school may work with a
11 transfer student to determine an appropriate schedule that
12 ensures that a student will graduate, provided that the student
13 has met the district's minimal graduation requirements, which
14 may be modified provided that the modifications are a result of
15 scheduling issues and not a result of the student's academic
16 failure.

17 (d) If a student transfers to a new school district during
18 his or her senior year and the receiving school district cannot
19 make reasonable adjustments under this Section to ensure
20 graduation, then the school district shall make every
21 reasonable effort to ensure that the school district from where
22 the student transfers issues the student a diploma.

23 Section 40. State coordination.

24 (a) Each member state of the Interstate Commission on
25 Educational Opportunity for Military Children shall, through

1 the creation of a State Council or use of an existing body or
2 board, provide for the coordination among its agencies of
3 government, local education agencies, and military
4 installations concerning the State's participation in and
5 compliance with the compact and Interstate Commission
6 activities. In this State, the Illinois P-20 Council and
7 representatives appointed by the Illinois P-20 Council from the
8 3 school districts in this State with the highest percentage of
9 children from military families shall constitute the State
10 Council.

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

14 Section 45. Interstate Commission on Educational
15 Opportunity for Military Children.

16 (a) The member states hereby create the "Interstate
17 Commission on Educational Opportunity for Military Children".
18 The activities of the Interstate Commission are the formation
19 of public policy and are a discretionary state function. The
20 Interstate Commission shall:

21 (1) Be a body corporate and joint agency of the member
22 states and shall have all the responsibilities, powers, and
23 duties set forth herein, and such additional powers as may
24 be conferred upon it by a subsequent concurrent action of
25 the respective legislatures of the member states in

1 accordance with the terms of the compact.

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

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

7 (B) A majority of the total member states shall
8 constitute a quorum for the transaction of business,
9 unless a larger quorum is required by the bylaws of the
10 Interstate Commission.

11 (C) A representative shall not delegate a vote to
12 another member state. In the event the compact
13 commissioner is unable to attend a meeting of the
14 Interstate Commission, the State Council may delegate
15 voting authority to another person from their state for
16 a specified meeting.

17 (D) The bylaws may provide for meetings of the
18 Interstate Commission to be conducted by
19 telecommunication or electronic communication.

20 (3) Consist of ex-officio, non-voting representatives
21 who are members of interested organizations. Such
22 ex-officio members, as defined in the bylaws, may include,
23 but not be limited to, members of the representative
24 organizations of military family advocates, local
25 education agency officials, parent and teacher groups, the
26 U.S. Department of Defense, the Education Commission of the

1 States, the Interstate Agreement on the Qualification of
2 Educational Personnel, and other interstate compacts
3 affecting the education of children of military members.

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

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

24 (6) Establish bylaws and rules that provide for
25 conditions and procedures under which the Interstate
26 Commission shall make its information and official records

1 available to the public for inspection or copying. The
2 Interstate Commission may exempt from disclosure
3 information or official records to the extent they would
4 adversely affect personal privacy rights or proprietary
5 interests.

6 (7) Give public notice of all meetings, and all
7 meetings shall be open to the public, except as set forth
8 in the rules or as otherwise provided in the compact. The
9 Interstate Commission and its committees may close a
10 meeting, or portion thereof, where it determines by
11 two-thirds vote that an open meeting would be likely to:

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

14 (B) disclose matters specifically exempted from
15 disclosure by federal and state statute;

16 (C) disclose trade secrets or commercial or
17 financial information which is privileged or
18 confidential;

19 (D) involve accusing a person of a crime or
20 formally censuring a person;

21 (E) disclose information of a personal nature
22 where disclosure would constitute a clearly
23 unwarranted invasion of personal privacy;

24 (F) disclose investigative records compiled for
25 law enforcement purposes; or

26 (G) specifically relate to the Interstate

1 Commission's participation in a civil action or other
2 legal proceeding.

3 (8) Cause its legal counsel or designee to certify that
4 a meeting may be closed and shall reference each relevant
5 exemptible provision for any meeting, or portion of a
6 meeting, which is closed pursuant to this provision. The
7 Interstate Commission shall keep minutes, which shall
8 fully and clearly describe all matters discussed in a
9 meeting and shall provide a full and accurate summary of
10 actions taken, and the reasons therefore, including a
11 description of the views expressed and the record of a roll
12 call vote. All documents considered in connection with an
13 action shall be identified in such minutes. All minutes and
14 documents of a closed meeting shall remain under seal,
15 subject to release by a majority vote of the Interstate
16 Commission.

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

1 (10) Create a process that permits military officials,
2 education officials, and parents to inform the Interstate
3 Commission if and when there are alleged violations of the
4 compact or its rules or when issues subject to the
5 jurisdiction of the compact or its rules are not addressed
6 by the state or local education agency. This Section shall
7 not be construed to create a private right of action
8 against the Interstate Commission or any member state.

9 (b) The Interstate Commission shall have the following
10 powers:

11 (1) To provide for dispute resolution among member
12 states.

13 (2) To promulgate rules and take all necessary actions
14 to effect the goals, purposes, and obligations as
15 enumerated in the compact. The rules shall be binding in
16 the compact states to the extent and in the manner provided
17 in this Act. These rules are not effective or enforceable
18 in this State until enacted into law in this State.

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

22 (4) To enforce compliance with the compact provisions
23 and the rules promulgated by the Interstate Commission
24 using all necessary and proper means, including, but not
25 limited to, the use of judicial process. These rules are
26 not effective or enforceable in this State until enacted

1 into law in this State.

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

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

5 (7) To borrow, accept, hire, or contract for services
6 of personnel.

7 (8) To establish and appoint committees including, but
8 not limited to, an executive committee as required by item
9 (5) of subsection (a) of this Section, which shall have the
10 power to act on behalf of the Interstate Commission in
11 carrying out its powers and duties hereunder.

12 (9) To elect or appoint such officers, attorneys,
13 employees, agents, or consultants; to fix their
14 compensation, define their duties, and determine their
15 qualifications; and to establish the Interstate
16 Commission's personnel policies and programs relating to
17 conflicts of interest, rates of compensation, and
18 qualifications of personnel.

19 (10) To accept any and all donations and grants of
20 money, equipment, supplies, materials, and services, and
21 to receive, utilize, and dispose of it.

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

25 (12) To sell, convey, mortgage, pledge, lease,
26 exchange, abandon, or otherwise dispose of any property,

1 real, personal, or mixed.

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

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

5 (15) To report annually to the legislatures,
6 governors, judiciary, and state councils of the member
7 states concerning the activities of the Interstate
8 Commission during the preceding year. Such reports shall
9 also include any recommendations that may have been adopted
10 by the Interstate Commission.

11 (16) To coordinate education, training, and public
12 awareness regarding the compact, its implementation, and
13 operation for officials and parents involved in such
14 activity.

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

19 (18) To maintain corporate books and records in
20 accordance with the bylaws.

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

23 (20) To provide for the uniform collection and sharing
24 of information between and among member states, schools,
25 and military families under the compact. Provision for the
26 collection and sharing of information is not effective or

1 enforceable in this State until enacted into law in this
2 State.

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

8 (1) Establishing the fiscal year of the Interstate
9 Commission.

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

12 (3) Providing for the establishment of committees and
13 for governing any general or specific delegation of
14 authority or function of the Interstate Commission.

15 (4) Providing reasonable procedures for calling and
16 conducting meetings of the Interstate Commission, and
17 ensuring reasonable notice of each such meeting.

18 (5) Establishing the titles and responsibilities of
19 the officers and staff of the Interstate Commission.

20 (6) Providing a mechanism for concluding the
21 operations of the Interstate Commission and the return of
22 surplus funds that may exist upon the termination of the
23 compact after the payment and reserving of all of its debts
24 and obligations.

25 (7) Providing "start-up" rules for initial
26 administration of the compact. These rules are not

1 effective or enforceable in this State until enacted into
2 law in this State.

3 (d) The Interstate Commission shall, by a majority of the
4 members, elect annually from among its members a chairperson, a
5 vice-chairperson, and a treasurer, each of whom shall have such
6 authority and duties as may be specified in the bylaws. The
7 chairperson or, in the chairperson's absence or disability, the
8 vice-chairperson, shall preside at all meetings of the
9 Interstate Commission. The officers so elected shall serve
10 without compensation or remuneration from the Interstate
11 Commission, provided that, subject to the availability of
12 budgeted funds, the officers shall be reimbursed for ordinary
13 and necessary costs and expenses incurred by them in the
14 performance of their responsibilities as officers of the
15 Interstate Commission.

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

19 (1) managing the affairs of the Interstate Commission
20 in a manner consistent with the bylaws and purposes of the
21 Interstate Commission;

22 (2) overseeing an organizational structure within and
23 appropriate procedures for the Interstate Commission to
24 provide for the creation of rules, operating procedures,
25 and administrative and technical support functions; and

26 (3) planning, implementing, and coordinating

1 communications and activities with other state, federal,
2 and local government organizations in order to advance the
3 goals of the Interstate Commission.

4 The executive committee may, subject to the approval of the
5 Interstate Commission, appoint or retain an executive director
6 for such period, upon such terms and conditions and for such
7 compensation, as the Interstate Commission may deem
8 appropriate. The executive director shall serve as secretary to
9 the Interstate Commission, but shall not be a member of the
10 Interstate Commission. The executive director shall hire and
11 supervise such other persons as may be authorized by the
12 Interstate Commission.

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

25 (g) The liability of the Interstate Commission's executive
26 director and employees or Interstate Commission

1 representatives, acting within the scope of such person's
2 employment or duties, for acts, errors, or omissions occurring
3 within such person's state may not exceed the limits of
4 liability set forth under the Constitution and laws of that
5 state for state officials, employees, and agents. The
6 Interstate Commission is considered to be an instrumentality of
7 the states for the purposes of any such action. Nothing in this
8 subsection (g) shall be construed to protect such person from
9 suit or liability for damage, loss, injury, or liability caused
10 by the intentional or willful and wanton misconduct of such
11 person.

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

26 (i) To the extent not covered by the state involved, member

1 state, or the Interstate Commission, the representatives or
2 employees of the Interstate Commission shall be held harmless
3 in the amount of a settlement or judgment, including attorney's
4 fees and costs, obtained against such persons arising out of an
5 actual or alleged act, error, or omission that occurred within
6 the scope of Interstate Commission employment, duties, or
7 responsibilities, or that such persons had a reasonable basis
8 for believing occurred within the scope of Interstate
9 Commission employment, duties, or responsibilities, provided
10 that the actual or alleged act, error, or omission did not
11 result from intentional or willful and wanton misconduct on the
12 part of such persons.

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

25 Rules shall be made pursuant to a rulemaking process that

1 substantially conforms to the "Model State Administrative
2 Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15,
3 p.1 (2000) as amended, as may be appropriate to the operations
4 of the Interstate Commission.

5 Notwithstanding any other provision of this Act, no rule of
6 the Interstate Commission has force and effect in this State
7 unless and until the State Council reviews the rule and
8 recommends to the General Assembly that the rule be enacted
9 into law in this State and the rule is enacted into law in this
10 State.

11 Section 55. Resolution of disputes. The Interstate
12 Commission on Educational Opportunity for Military Children
13 shall attempt, upon the request of a member state, to resolve
14 disputes that are subject to the compact and that may arise
15 among member states and between member and non-member states.

16 Section 60. Financing of the Interstate Commission.

17 (a) The Interstate Commission on Educational Opportunity
18 for Military Children shall pay or provide for the payment of
19 the reasonable expenses of its establishment, organization,
20 and ongoing activities.

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

24 (c) The Interstate Commission shall not incur obligations

1 of any kind prior to securing the funds adequate to meet the
2 same; nor shall the Interstate Commission pledge the credit of
3 any of the member states, except by and with the authority of
4 the member state.

5 (d) The Interstate Commission shall keep accurate accounts
6 of all receipts and disbursements. The receipts and
7 disbursements of the Interstate Commission shall be subject to
8 the audit and accounting procedures established under its
9 bylaws. However, all receipts and disbursements of funds
10 handled by the Interstate Commission shall be audited yearly by
11 a certified or licensed public accountant, and the report of
12 the audit shall be included in and become part of the annual
13 report of the Interstate Commission.

14 Section 65. Withdrawal and dissolution of compact.

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

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

21 (c) The withdrawing state shall immediately notify the
22 chairperson of the Interstate Commission on Educational
23 Opportunity for Military Children in writing upon the
24 introduction of legislation repealing the compact in the
25 withdrawing state. The Interstate Commission shall notify the

1 other member states of the withdrawing state's intent to
2 withdraw within 60 days of its receipt thereof.

3 (d) The withdrawing state is responsible for all
4 assessments, obligations, and liabilities incurred through the
5 effective date of withdrawal.

6 (e) Reinstatement following withdrawal of a member state
7 shall occur upon the withdrawing state reenacting the compact
8 or upon such later date as determined by the Interstate
9 Commission.

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

13 (g) Upon the dissolution of the compact, the compact
14 becomes null and void and shall be of no further force or
15 effect, and the business and affairs of the Interstate
16 Commission shall be concluded and surplus funds shall be
17 distributed in accordance with the bylaws.

18 Section 70. Severability and construction.

19 (a) The provisions of this Act are severable, and if any
20 phrase, clause, sentence, or provision is deemed
21 unenforceable, the remaining provisions of this Act are
22 enforceable.

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

25 (c) Nothing in this Act shall be construed to prohibit the

1 applicability of other interstate compacts to which the states
2 are members.

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

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

6 (b) All laws conflicting with this Act are superseded to
7 the extent of the conflict.

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

11 (d) In the event any provision of this Act exceeds the
12 constitutional limits imposed on the legislature, such
13 provision shall be ineffective to the extent of the conflict
14 with the constitutional provision in question.

15 Section 905. The School Code is amended by changing Section
16 27-8.1 as follows:

17 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

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

19 (1) In compliance with rules and regulations which the
20 Department of Public Health shall promulgate, and except as
21 hereinafter provided, all children in Illinois shall have a
22 health examination as follows: within one year prior to
23 entering kindergarten or the first grade of any public,

1 private, or parochial elementary school; upon entering the
2 sixth and ninth grades of any public, private, or parochial
3 school; prior to entrance into any public, private, or
4 parochial nursery school; and, irrespective of grade,
5 immediately prior to or upon entrance into any public, private,
6 or parochial school or nursery school, each child shall present
7 proof of having been examined in accordance with this Section
8 and the rules and regulations promulgated hereunder. Any child
9 who received a health examination within one year prior to
10 entering the fifth grade for the 2007-2008 school year is not
11 required to receive an additional health examination in order
12 to comply with the provisions of Public Act 95-422 when he or
13 she attends school for the 2008-2009 school year, unless the
14 child is attending school for the first time as provided in
15 this paragraph.

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

25 (1.5) In compliance with rules adopted by the Department of
26 Public Health and except as otherwise provided in this Section,

1 all children in kindergarten and the second and sixth grades of
2 any public, private, or parochial school shall have a dental
3 examination. Each of these children shall present proof of
4 having been examined by a dentist in accordance with this
5 Section and rules adopted under this Section before May 15th of
6 the school year. If a child in the second or sixth grade fails
7 to present proof by May 15th, the school may hold the child's
8 report card until one of the following occurs: (i) the child
9 presents proof of a completed dental examination or (ii) the
10 child presents proof that a dental examination will take place
11 within 60 days after May 15th. The Department of Public Health
12 shall establish, by rule, a waiver for children who show an
13 undue burden or a lack of access to a dentist. Each public,
14 private, and parochial school must give notice of this dental
15 examination requirement to the parents and guardians of
16 students at least 60 days before May 15th of each school year.

17 (1.10) Except as otherwise provided in this Section, all
18 children enrolling in kindergarten in a public, private, or
19 parochial school on or after the effective date of this
20 amendatory Act of the 95th General Assembly and any student
21 enrolling for the first time in a public, private, or parochial
22 school on or after the effective date of this amendatory Act of
23 the 95th General Assembly shall have an eye examination. Each
24 of these children shall present proof of having been examined
25 by a physician licensed to practice medicine in all of its
26 branches or a licensed optometrist within the previous year, in

1 accordance with this Section and rules adopted under this
2 Section, before October 15th of the school year. If the child
3 fails to present proof by October 15th, the school may hold the
4 child's report card until one of the following occurs: (i) the
5 child presents proof of a completed eye examination or (ii) the
6 child presents proof that an eye examination will take place
7 within 60 days after October 15th. The Department of Public
8 Health shall establish, by rule, a waiver for children who show
9 an undue burden or a lack of access to a physician licensed to
10 practice medicine in all of its branches who provides eye
11 examinations or to a licensed optometrist. Each public,
12 private, and parochial school must give notice of this eye
13 examination requirement to the parents and guardians of
14 students in compliance with rules of the Department of Public
15 Health. Nothing in this Section shall be construed to allow a
16 school to exclude a child from attending because of a parent's
17 or guardian's failure to obtain an eye examination for the
18 child.

19 (2) The Department of Public Health shall promulgate rules
20 and regulations specifying the examinations and procedures
21 that constitute a health examination, which shall include the
22 collection of data relating to obesity (including at a minimum,
23 date of birth, gender, height, weight, blood pressure, and date
24 of exam), and a dental examination and may recommend by rule
25 that certain additional examinations be performed. The rules
26 and regulations of the Department of Public Health shall

1 specify that a tuberculosis skin test screening shall be
2 included as a required part of each health examination included
3 under this Section if the child resides in an area designated
4 by the Department of Public Health as having a high incidence
5 of tuberculosis. The Department of Public Health shall specify
6 that a diabetes screening as defined by rule shall be included
7 as a required part of each health examination. Diabetes testing
8 is not required.

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

1 examinations. Physicians licensed to practice medicine in all
2 its branches or licensed optometrists shall perform all eye
3 examinations required by this Section and shall sign all report
4 forms required by subsection (4) of this Section that pertain
5 to the eye examination. For purposes of this Section, an eye
6 examination shall at a minimum include history, visual acuity,
7 subjective refraction to best visual acuity near and far,
8 internal and external examination, and a glaucoma evaluation,
9 as well as any other tests or observations that in the
10 professional judgment of the doctor are necessary. Vision and
11 hearing screening tests, which shall not be considered
12 examinations as that term is used in this Section, shall be
13 conducted in accordance with rules and regulations of the
14 Department of Public Health, and by individuals whom the
15 Department of Public Health has certified. In these rules and
16 regulations, the Department of Public Health shall require that
17 individuals conducting vision screening tests give a child's
18 parent or guardian written notification, before the vision
19 screening is conducted, that states, "Vision screening is not a
20 substitute for a complete eye and vision evaluation by an eye
21 doctor. Your child is not required to undergo this vision
22 screening if an optometrist or ophthalmologist has completed
23 and signed a report form indicating that an examination has
24 been administered within the previous 12 months."

25 (3) Every child shall, at or about the same time as he or
26 she receives a health examination required by subsection (1) of

1 this Section, present to the local school proof of having
2 received such immunizations against preventable communicable
3 diseases as the Department of Public Health shall require by
4 rules and regulations promulgated pursuant to this Section and
5 the Communicable Disease Prevention Act.

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

20 (5) If a child does not submit proof of having had either
21 the health examination or the immunization as required, then
22 the child shall be examined or receive the immunization, as the
23 case may be, and present proof by October 15 of the current
24 school year, or by an earlier date of the current school year
25 established by a school district. To establish a date before
26 October 15 of the current school year for the health

1 examination or immunization as required, a school district must
2 give notice of the requirements of this Section 60 days prior
3 to the earlier established date. If for medical reasons one or
4 more of the required immunizations must be given after October
5 15 of the current school year, or after an earlier established
6 date of the current school year, then the child shall present,
7 by October 15, or by the earlier established date, a schedule
8 for the administration of the immunizations and a statement of
9 the medical reasons causing the delay, both the schedule and
10 the statement being issued by the physician, advanced practice
11 nurse, physician assistant, registered nurse, or local health
12 department that will be responsible for administration of the
13 remaining required immunizations. If a child does not comply by
14 October 15, or by the earlier established date of the current
15 school year, with the requirements of this subsection, then the
16 local school authority shall exclude that child from school
17 until such time as the child presents proof of having had the
18 health examination as required and presents proof of having
19 received those required immunizations which are medically
20 possible to receive immediately. During a child's exclusion
21 from school for noncompliance with this subsection, the child's
22 parents or legal guardian shall be considered in violation of
23 Section 26-1 and subject to any penalty imposed by Section
24 26-10. This subsection (5) does not apply to dental
25 examinations and eye examinations. Until June 30, 2012, if the
26 student is an out-of-state transfer student and does not have

1 the proof required under this subsection (5) before October 15
2 of the current year or whatever date is set by the school
3 district, then he or she may only attend classes (i) if he or
4 she has proof that an appointment for the required vaccinations
5 has been scheduled with a party authorized to submit proof of
6 the required vaccinations. If the proof of vaccination required
7 under this subsection (5) is not submitted within 30 days after
8 the student is permitted to attend classes, then the student is
9 not be permitted to attend classes until proof of the
10 vaccinations has been properly submitted. No school district or
11 employee of a school district shall be held liable for any
12 injury or illness to another person that results from admitting
13 an out-of-state transfer student to class that has an
14 appointment scheduled pursuant to this subsection (5).

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

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

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

25 (8) Parents or legal guardians who object to health,
26 dental, or eye examinations or any part thereof, or to

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

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

19 (Source: P.A. 95-331, eff. 8-21-07; 95-422, eff. 8-24-07;
20 95-496, eff. 8-28-07; 95-671, eff. 1-1-08; 95-737, eff.
21 7-16-08; 95-876, eff. 8-21-08.)

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

24 (105 ILCS 10/8.1) (from Ch. 122, par. 50-8.1)

1 Sec. 8.1. (a) No school may refuse to admit or enroll a
2 student because of that student's failure to present his
3 student permanent or temporary record from a school previously
4 attended.

5 (b) When a new student applies for admission to a school
6 and does not present his school student record, such school may
7 notify the school or school district last attended by such
8 student, requesting that the student's school student record be
9 copied and sent to it; such request shall be honored within 10
10 days after it is received. Within 10 days after receiving a
11 request from the Department of Children and Family Services,
12 the school district last attended by the student shall send the
13 student's school student record to the receiving school
14 district.

15 (c) In the case of a transfer between school districts of a
16 student who is eligible for special education and related
17 services, when the parent or guardian of the student presents a
18 copy of the student's then current individualized education
19 program (IEP) to the new school, the student shall be placed in
20 a special education program in accordance with that described
21 in the student's IEP.

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

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

2 Section 995. Repealer. This Act is repealed on June 30,
3 2012.

4 Section 999. Effective date. This Act takes effect upon
5 becoming law.".