



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3471

Introduced 2/10/2010, by Sen. Heather Steans

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-32 new  
30 ILCS 805/8.34 new

Amends the School Code. Provides that if a public or nonpublic school is or has been notified of a pupil's asthma diagnosis, then the school shall request from the pupil's parents or guardians the pupil's current asthma action plan. Provides that if the pupil does not have an asthma action plan, then the school shall advise the parent or guardian on how to obtain an asthma action plan from the pupil's physician or medical care provider. Provides that if the school receives a pupil's asthma action plan, then the school shall evaluate the pupil for accommodations pursuant to the federal Rehabilitation Act of 1973. Provides that if the pupil requires an accommodations plan under federal law, then the pupil's asthma action plan must be integrated into the accommodations plan or into the pupil's Individualized Education Program if one has been developed for the child. Provides that if the school does not receive a copy of a pupil's asthma action plan after advising the parent or guardian on how to obtain an asthma action plan, then the school shall evaluate the pupil for accommodations pursuant to the federal Rehabilitation Act of 1973. Requires the State Board of Education to develop a template for a respiratory emergency action plan and distribute it to all school personnel in this State for use in the event that a child without an asthma action plan suffers an asthma attack or other respiratory emergency. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 17667 NHT 33027 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 adding Section  
5 22-32 as follows:

6 (105 ILCS 5/22-32 new)

7 Sec. 22-32. Asthma management.

8 (a) The General Assembly finds all of the following:

9 (1) Asthma is a chronic condition requiring lifetime,  
10 ongoing medical intervention, and, if intervention is  
11 delayed or unavailable, symptoms can escalate and result in  
12 increased severity of the disease, hospitalization, or  
13 death.

14 (2) Nationwide, 39.5 million Americans have been  
15 diagnosed with asthma during their lifetime.

16 (3) Over the past 20 years, this State has had one of  
17 the highest asthma mortality rates in the nation and  
18 increasing rates of asthma prevalence, morbidity, and  
19 mortality.

20 (4) The Centers for Disease Control and Prevention  
21 (CDC) recommend that all asthmatic individuals have an  
22 asthma action plan containing daily treatment information,  
23 a long-term treatment plan, and instructions for handling

1 an asthma attack.

2 (5) The CDC recommends that all people who care for  
3 asthmatic children should know how to follow a child's  
4 asthma action plan.

5 (6) To ensure the maximum safety of children diagnosed  
6 with asthma, school personnel should know how to follow a  
7 child's asthma action plan.

8 (b) In this Section:

9 "Asthma action plan" means a written plan that details the  
10 daily management of asthma, including medications and  
11 environmental control strategies, and how to recognize and  
12 respond to worsening asthma.

13 "Medication" has the same meaning ascribed to that term in  
14 Section 22-30 of this Code.

15 "Self-administration" has the same meaning ascribed to  
16 that term in Section 22-30 of this Code.

17 (c) If a public or nonpublic school in this State is or has  
18 been notified of a pupil's asthma diagnosis by a request for  
19 self-administration of medication, a proof of health  
20 examination form, or any other means of notification, then the  
21 school shall request from the pupil's parents or guardians, in  
22 writing, the pupil's current asthma action plan. If the pupil  
23 does not have an asthma action plan, then the school shall  
24 advise the parent or guardian on how to obtain an asthma action  
25 plan from the pupil's physician or medical care provider.

26 (d) If a public or nonpublic school in this State receives

1 a pupil's asthma action plan, then the school shall evaluate  
2 the pupil for accommodations pursuant to Section 504 of the  
3 federal Rehabilitation Act of 1973. If the pupil requires a  
4 Section 504 Accommodations Plan, then the pupil's asthma action  
5 plan must be integrated into the Section 504 Accommodations  
6 Plan or into the pupil's Individualized Education Program if  
7 one has been developed for the child. If the school is notified  
8 of a pupil's asthma diagnosis by a request for  
9 self-administration of medication, a proof of health  
10 examination form, or any other means of notification, but does  
11 not receive a copy of the pupil's asthma action plan after  
12 advising the parent or guardian on how to obtain an asthma  
13 action plan from the pupil's physician or medical care  
14 provider, then the school shall evaluate the pupil for  
15 accommodations pursuant to Section 504 of the federal  
16 Rehabilitation Act of 1973.

17 (e) The State Board of Education shall develop a template  
18 for a respiratory emergency action plan and distribute it to  
19 all school personnel in this State for use in the event that a  
20 child without an asthma action plan suffers an asthma attack or  
21 other respiratory emergency.

22 Section 90. The State Mandates Act is amended by adding  
23 Section 8.34 as follows:

24 (30 ILCS 805/8.34 new)

1       Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8  
2       of this Act, no reimbursement by the State is required for the  
3       implementation of any mandate created by this amendatory Act of  
4       the 96th General Assembly.

5       Section 99. Effective date. This Act takes effect upon  
6       becoming law.