

# HB1340



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1340

Introduced 2/20/2007, by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-8.1

from Ch. 122, par. 27-8.1

Amends the School Code. Provides that a human immunodeficiency virus (HIV) test must be included as a part of the student health examination required under the School Code, and provides for Department of Public Health rules.

LRB095 04051 NHT 24089 b

FISCAL NOTE ACT  
MAY APPLY

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 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. A human immunodeficiency virus (HIV) test must be  
3 included as a required part of each health examination included  
4 under this Section. Additional health examinations of pupils,  
5 including vision examinations, may be required when deemed  
6 necessary by school authorities. Parents are encouraged to have  
7 their children undergo vision examinations at the same points  
8 in time required for health examinations.

9 (1.5) In compliance with rules adopted by the Department of  
10 Public Health and except as otherwise provided in this Section,  
11 all children in kindergarten and the second and sixth grades of  
12 any public, private, or parochial school shall have a dental  
13 examination. Each of these children shall present proof of  
14 having been examined by a dentist in accordance with this  
15 Section and rules adopted under this Section before May 15th of  
16 the school year. If a child in the second or sixth grade fails  
17 to present proof by May 15th, the school may hold the child's  
18 report card until one of the following occurs: (i) the child  
19 presents proof of a completed dental examination or (ii) the  
20 child presents proof that a dental examination will take place  
21 within 60 days after May 15th. The Department of Public Health  
22 shall establish, by rule, a waiver for children who show an  
23 undue burden or a lack of access to a dentist. Each public,  
24 private, and parochial school must give notice of this dental  
25 examination requirement to the parents and guardians of  
26 students at least 60 days before May 15th of each school year.

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

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

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

1 doctor. Your child is not required to undergo this vision  
2 screening if an optometrist or ophthalmologist has completed  
3 and signed a report form indicating that an examination has  
4 been administered within the previous 12 months."

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

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

26 (5) If a child does not submit proof of having had either

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

1 from school for noncompliance with this subsection, the child's  
2 parents or legal guardian shall be considered in violation of  
3 Section 26-1 and subject to any penalty imposed by Section  
4 26-10. This subsection (5) does not apply to dental  
5 examinations.

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

25 (7) Upon determining that the number of pupils who are  
26 required to be in compliance with subsection (5) of this

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

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

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

26 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;

1 93-530, eff. 1-1-04; 93-946, eff. 7-1-05; 93-966, eff. 1-1-05;  
2 revised 12-1-05.)