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1 AMENDMENT TO HOUSE BILL 750

2 AMENDMENT NO. _____. Amend House Bill 750 by replacing
3 everything after the enacting clause with the following:

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
24 Department of Public Health as having a high incidence of

1 tuberculosis. Additional health examinations of pupils,
2 including ~~dental and~~ vision examinations, may be required when
3 deemed necessary by school authorities. Parents are encouraged
4 to have their children undergo ~~dental and~~ vision examinations
5 at the same points in time required for health examinations.

6 (1.5) In compliance with rules adopted by the Department of
7 Public Health and except as otherwise provided in this Section,
8 all children in kindergarten and the second and sixth grades of
9 any public, private, or parochial school shall have a dental
10 examination. Each of these children shall present proof of
11 having been examined by a dentist in accordance with this
12 Section and rules adopted under this Section before May 15th of
13 the school year. If a child in the second or sixth grade fails
14 to present proof by May 15th, the school may hold the child's
15 report card until one of the following occurs: (i) the child
16 presents proof of a completed dental examination or (ii) the
17 child presents proof that a dental examination will take place
18 within 60 days after May 15th. The Department of Public Health
19 shall establish, by rule, a waiver for children who show an
20 undue burden or a total lack of access to a dentist. Each
21 public, private, and parochial school must give notice of this
22 dental examination requirement to the parents and guardians of
23 students at least 60 days before May 15th of each school year.

24 (2) The Department of Public Health shall promulgate rules
25 and regulations specifying the examinations and procedures
26 that constitute a health examination and a dental examination
27 and may recommend by rule that certain additional examinations
28 be performed. The rules and regulations of the Department of
29 Public Health shall specify that a tuberculosis skin test
30 screening shall be included as a required part of each health
31 examination included under this Section if the child resides in
32 an area designated by the Department of Public Health as having
33 a high incidence of tuberculosis. The Department of Public
34 Health shall specify that a diabetes screening as defined by

1 rule shall be included as a required part of each health
2 examination. Diabetes testing is not required.

3 Physicians licensed to practice medicine in all of its
4 branches, advanced practice nurses who have a written
5 collaborative agreement with a collaborating physician which
6 authorizes them to perform health examinations, or physician
7 assistants who have been delegated the performance of health
8 examinations by their supervising physician shall be
9 responsible for the performance of the health examinations,
10 other than dental examinations and vision and hearing
11 screening, and shall sign all report forms required by
12 subsection (4) of this Section that pertain to those portions
13 of the health examination for which the physician, advanced
14 practice nurse, or physician assistant is responsible. If a
15 registered nurse performs any part of a health examination,
16 then a physician licensed to practice medicine in all of its
17 branches must review and sign all required report forms.
18 Licensed dentists shall perform all dental examinations and
19 shall sign all report forms required by subsection (4) of this
20 Section that pertain to the dental examinations. Physicians
21 licensed to practice medicine in all its branches, or licensed
22 optometrists, shall perform all vision exams required by school
23 authorities and shall sign all report forms required by
24 subsection (4) of this Section that pertain to the vision exam.
25 Vision and hearing screening tests, which shall not be
26 considered examinations as that term is used in this Section,
27 shall be conducted in accordance with rules and regulations of
28 the Department of Public Health, and by individuals whom the
29 Department of Public Health has certified. In these rules and
30 regulations, the Department of Public Health shall require that
31 individuals conducting vision screening tests give a child's
32 parent or guardian written notification, before the vision
33 screening is conducted, that states, "Vision screening is not a
34 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 on uniform forms which the Department of Public Health and the
16 State Board of Education shall prescribe for statewide use. The
17 examiner shall summarize on the report form any condition that
18 he or she suspects indicates a need for special services. The
19 individuals confirming the administration of required
20 immunizations shall record as indicated on the form that the
21 immunizations were administered.

22 (5) If a child does not submit proof of having had either
23 the health examination or the immunization as required, then
24 the child shall be examined or receive the immunization, as the
25 case may be, and present proof by October 15 of the current
26 school year, or by an earlier date of the current school year
27 established by a school district. To establish a date before
28 October 15 of the current school year for the health
29 examination or immunization as required, a school district must
30 give notice of the requirements of this Section 60 days prior
31 to the earlier established date. If for medical reasons one or
32 more of the required immunizations must be given after October
33 15 of the current school year, or after an earlier established
34 date of the current school year, then the child shall present,

1 by October 15, or by the earlier established date, a schedule
2 for the administration of the immunizations and a statement of
3 the medical reasons causing the delay, both the schedule and
4 the statement being issued by the physician, advanced practice
5 nurse, physician assistant, registered nurse, or local health
6 department that will be responsible for administration of the
7 remaining required immunizations. If a child does not comply by
8 October 15, or by the earlier established date of the current
9 school year, with the requirements of this subsection, then the
10 local school authority shall exclude that child from school
11 until such time as the child presents proof of having had the
12 health examination as required and presents proof of having
13 received those required immunizations which are medically
14 possible to receive immediately. During a child's exclusion
15 from school for noncompliance with this subsection, the child's
16 parents or legal guardian shall be considered in violation of
17 Section 26-1 and subject to any penalty imposed by Section
18 26-10. This subsection (5) does not apply to dental
19 examinations.

20 (6) Every school shall report to the State Board of
21 Education by November 15, in the manner which that agency shall
22 require, the number of children who have received the necessary
23 immunizations and the health examination (other than a dental
24 examination) as required, indicating, of those who have not
25 received the immunizations and examination as required, the
26 number of children who are exempt from health examination and
27 immunization requirements on religious or medical grounds as
28 provided in subsection (8). Every school shall report to the
29 State Board of Education by June 1, in the manner that the
30 State Board requires, the number of children who have received
31 the required dental examination, indicating, of those who have
32 not received the required dental examination, the number of
33 children who are exempt from the dental examination on
34 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. This reported information
3 shall be provided to the Department of Public Health by the
4 State Board of Education.

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

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

28 (9) For the purposes of this Section, "nursery schools"
29 means those nursery schools operated by elementary school
30 systems or secondary level school units or institutions of
31 higher learning.

32 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;
33 93-530, eff. 1-1-04; revised 9-11-03.)

1 Section 99. Effective date. This Act takes effect July 1,
2 2005.".