



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1626

Introduced 2/23/2005, by Sen. Carol Ronen

SYNOPSIS AS INTRODUCED:

105 ILCS 5/24-5	from Ch. 122, par. 24-5
105 ILCS 5/24-6	from Ch. 122, par. 24-6
105 ILCS 5/26-1	from Ch. 122, par. 26-1

Amends the School Code. In provisions concerning an employee's physical fitness and sick leave and compulsory school age exemptions, provides that when required, certain examinations may be conducted by, and certain certificates may be issued by, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations or a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician (now, only certain physicians and, in some cases, spiritual healers may conduct the examinations and issue certificates). Effective immediately.

LRB094 08605 RAS 38812 b

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 Sections
5 24-5, 24-6, and 26-1 as follows:

6 (105 ILCS 5/24-5) (from Ch. 122, par. 24-5)

7 Sec. 24-5. Physical fitness and professional growth.

8 School boards shall require of new employees evidence of
9 physical fitness to perform duties assigned and freedom from
10 communicable disease, including tuberculosis. Such evidence
11 shall consist of a physical examination and a tuberculin skin
12 test and, if appropriate, an x-ray, made by a physician
13 licensed in Illinois or any other state to practice medicine
14 and surgery in all its branches, an advanced practice nurse who
15 has a written collaborative agreement with a collaborating
16 physician that authorizes the advanced practice nurse to
17 perform health examinations, or a physician assistant who has
18 been delegated the authority to perform health examinations by
19 his or her supervising physician not more than 90 days
20 preceding time of presentation to the board and cost of such
21 examination shall rest with the employee. The board may from
22 time to time require an examination of any employee by a
23 physician licensed in Illinois to practice medicine and surgery
24 in all its branches, an advanced practice nurse who has a
25 written collaborative agreement with a collaborating physician
26 that authorizes the advanced practice nurse to perform health
27 examinations, or a physician assistant who has been delegated
28 the authority to perform health examinations by his or her
29 supervising physician and shall pay the expenses thereof from
30 school funds. School boards may require teachers in their
31 employ to furnish from time to time evidence of continued
32 professional growth.

1 (Source: P.A. 78-344.)

2 (105 ILCS 5/24-6) (from Ch. 122, par. 24-6)

3 Sec. 24-6. Sick leave. The school boards of all school
4 districts, including special charter districts, but not
5 including school districts in municipalities of 500,000 or
6 more, shall grant their full-time teachers, and also shall
7 grant such of their other employees as are eligible to
8 participate in the Illinois Municipal Retirement Fund under the
9 "600-Hour Standard" established, or under such other
10 eligibility participation standard as may from time to time be
11 established, by rules and regulations now or hereafter
12 promulgated by the Board of that Fund under Section 7-198 of
13 the Illinois Pension Code, as now or hereafter amended, sick
14 leave provisions not less in amount than 10 days at full pay in
15 each school year. If any such teacher or employee does not use
16 the full amount of annual leave thus allowed, the unused amount
17 shall be allowed to accumulate to a minimum available leave of
18 180 days at full pay, including the leave of the current year.
19 Sick leave shall be interpreted to mean personal illness,
20 quarantine at home, or serious illness or death in the
21 immediate family or household. The school board may require a
22 ~~physician's~~ certificate from a physician licensed in Illinois
23 to practice medicine and surgery in all its branches, an
24 advanced practice nurse who has a written collaborative
25 agreement with a collaborating physician that authorizes the
26 advanced practice nurse to perform health examinations, or a
27 physician assistant who has been delegated the authority to
28 perform health examinations by his or her supervising
29 physician, or if the treatment is by prayer or spiritual means,
30 that of a spiritual adviser or practitioner of such person's
31 faith, as a basis for pay during leave after an absence of 3
32 days for personal illness, or as it may deem necessary in other
33 cases. If the school board does require a ~~physician's~~
34 certificate ~~or a certificate from a spiritual healer~~ as a basis
35 for pay during leave of less than 3 days, the school board

1 shall pay, from school funds, the expenses incurred by the
2 teachers or other employees in obtaining the certificate.

3 If, by reason of any change in the boundaries of school
4 districts, or by reason of the creation of a new school
5 district, the employment of a teacher is transferred to a new
6 or different board, the accumulated sick leave of such teacher
7 is not thereby lost, but is transferred to such new or
8 different district.

9 For purposes of this Section, "immediate family" shall
10 include parents, spouse, brothers, sisters, children,
11 grandparents, grandchildren, parents-in-law, brothers-in-law,
12 sisters-in-law, and legal guardians.

13 (Source: P.A. 86-838.)

14 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

15 Sec. 26-1. Compulsory school age-Exemptions. Whoever has
16 custody or control of any child between the ages of 7 and 17
17 years (unless the child has already graduated from high school)
18 shall cause such child to attend some public school in the
19 district wherein the child resides the entire time it is in
20 session during the regular school term, except as provided in
21 Section 10-19.1, and during a required summer school program
22 established under Section 10-22.33B; provided, that the
23 following children shall not be required to attend the public
24 schools:

25 1. Any child attending a private or a parochial school
26 where children are taught the branches of education taught to
27 children of corresponding age and grade in the public schools,
28 and where the instruction of the child in the branches of
29 education is in the English language;

30 2. Any child who is physically or mentally unable to attend
31 school, such disability being certified to the county or
32 district truant officer by a competent physician licensed in
33 Illinois to practice medicine and surgery in all its branches,
34 an advanced practice nurse who has a written collaborative
35 agreement with a collaborating physician that authorizes the

1 advanced practice nurse to perform health examinations, a
2 physician assistant who has been delegated the authority to
3 perform health examinations by his or her supervising
4 physician, or a Christian Science practitioner residing in this
5 State and listed in the Christian Science Journal; or who is
6 excused for temporary absence for cause by the principal or
7 teacher of the school which the child attends; the exemptions
8 in this paragraph (2) do not apply to any female who is
9 pregnant or the mother of one or more children, except where a
10 female is unable to attend school due to a complication arising
11 from her pregnancy and the existence of such complication is
12 certified to the county or district truant officer by a
13 competent physician;

14 3. Any child necessarily and lawfully employed according to
15 the provisions of the law regulating child labor may be excused
16 from attendance at school by the county superintendent of
17 schools or the superintendent of the public school which the
18 child should be attending, on certification of the facts by and
19 the recommendation of the school board of the public school
20 district in which the child resides. In districts having part
21 time continuation schools, children so excused shall attend
22 such schools at least 8 hours each week;

23 4. Any child over 12 and under 14 years of age while in
24 attendance at confirmation classes;

25 5. Any child absent from a public school on a particular
26 day or days or at a particular time of day for the reason that
27 he is unable to attend classes or to participate in any
28 examination, study or work requirements on a particular day or
29 days or at a particular time of day, because the tenets of his
30 religion forbid secular activity on a particular day or days or
31 at a particular time of day. Each school board shall prescribe
32 rules and regulations relative to absences for religious
33 holidays including, but not limited to, a list of religious
34 holidays on which it shall be mandatory to excuse a child; but
35 nothing in this paragraph 5 shall be construed to limit the
36 right of any school board, at its discretion, to excuse an

1 absence on any other day by reason of the observance of a
2 religious holiday. A school board may require the parent or
3 guardian of a child who is to be excused from attending school
4 due to the observance of a religious holiday to give notice,
5 not exceeding 5 days, of the child's absence to the school
6 principal or other school personnel. Any child excused from
7 attending school under this paragraph 5 shall not be required
8 to submit a written excuse for such absence after returning to
9 school; and

10 6. Any child 16 years of age or older who (i) submits to a
11 school district evidence of necessary and lawful employment
12 pursuant to paragraph 3 of this Section and (ii) is enrolled in
13 a graduation incentives program pursuant to Section 26-16 of
14 this Code or an alternative learning opportunities program
15 established pursuant to Article 13B of this Code.

16 (Source: P.A. 93-858, eff. 1-1-05.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.