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EMPLOYEE PHYSICALS: SCHOOL CODE AMENDMENT EXPANDS AND ALTERS REQUIREMENTS

Public Act 98-0716, effective July 16, 2014, amends Section 24-5 of the School Code. The amendments add a broad definition of who is an “employee” under this section that expands its applicable scope. Now under the Act, new “employees” who are subject to the foregoing requirements include:

- Any new employee of a school district
- Student teachers who start after July 16, 2014
- Employees of contractors that begin providing services to students or in schools after July 16, 2014
- Any individual for whom a criminal history records check and check of the Statewide Sex Offender Database and Statewide Murderer and Violent Offender Against Youth Database is required (e.g., new food service workers, school bus drivers and other transportation employees, who have direct, daily contact with pupils).

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(Prior to this Act, school boards were to require of “new employees evidence of physical fitness to perform duties assigned and freedom from communicable disease, including tuberculosis.”)

The amendments also remove the requirement that new employees provide evidence of freedom from tuberculosis, and provide instead that a new or existing employee may be subject to additional health examinations, including screening for tuberculosis, as required by rules adopted by the Department of Public Health or by order of a local public health official.

As was the case prior to these amendments, new employees must provide their evidence of physical fitness to perform duties assigned and freedom from communicable disease “not more than 90 days preceding time of presentation to the board.” The cost of obtaining an examination remains with the new employee.

Going forward, school districts will need to ensure that their hiring practices and related paperwork, as well as their bid specifications, RFPs, and vendor agreements, are adjusted to meet the requirements of the School Code. Should you have any questions, please contact one of our attorneys at our Flossmoor

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