

# HB4407



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB4407**

by Rep. Camille Y. Lilly

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-8.1

from Ch. 122, par. 27-8.1

Amends the School Code. With respect to age-appropriate developmental screening and age-appropriate social and emotional screening, provides that the Department of Public Health must, no later than January 1, 2019, develop rules and appropriate revisions to the Child Health Examination form in conjunction with various organizations. Effective immediately.

LRB100 16197 AXK 31318 b

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 sixth 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. Any child  
21 who received a health examination within one year prior to  
22 entering the fifth grade for the 2007-2008 school year is not  
23 required to receive an additional health examination in order

1 to comply with the provisions of Public Act 95-422 when he or  
2 she attends school for the 2008-2009 school year, unless the  
3 child is attending school for the first time as provided in  
4 this paragraph.

5 A tuberculosis skin test screening shall be included as a  
6 required part of each health examination included under this  
7 Section if the child resides in an area designated by the  
8 Department of Public Health as having a high incidence of  
9 tuberculosis. Additional health examinations of pupils,  
10 including eye examinations, may be required when deemed  
11 necessary by school authorities. Parents are encouraged to have  
12 their children undergo eye examinations at the same points in  
13 time required for health examinations.

14 (1.5) In compliance with rules adopted by the Department of  
15 Public Health and except as otherwise provided in this Section,  
16 all children in kindergarten and the second and sixth grades of  
17 any public, private, or parochial school shall have a dental  
18 examination. Each of these children shall present proof of  
19 having been examined by a dentist in accordance with this  
20 Section and rules adopted under this Section before May 15th of  
21 the school year. If a child in the second or sixth grade fails  
22 to present proof by May 15th, the school may hold the child's  
23 report card until one of the following occurs: (i) the child  
24 presents proof of a completed dental examination or (ii) the  
25 child presents proof that a dental examination will take place  
26 within 60 days after May 15th. The Department of Public Health

1 shall establish, by rule, a waiver for children who show an  
2 undue burden or a lack of access to a dentist. Each public,  
3 private, and parochial school must give notice of this dental  
4 examination requirement to the parents and guardians of  
5 students at least 60 days before May 15th of each school year.

6 (1.10) Except as otherwise provided in this Section, all  
7 children enrolling in kindergarten in a public, private, or  
8 parochial school on or after January 1, 2008 (the effective  
9 date of Public Act 95-671) ~~this amendatory Act of the 95th~~  
10 ~~General Assembly~~ and any student enrolling for the first time  
11 in a public, private, or parochial school on or after January  
12 1, 2008 (the effective date of Public Act 95-671) ~~this~~  
13 ~~amendatory Act of the 95th General Assembly~~ shall have an eye  
14 examination. Each of these children shall present proof of  
15 having been examined by a physician licensed to practice  
16 medicine in all of its branches or a licensed optometrist  
17 within the previous year, in accordance with this Section and  
18 rules adopted under this Section, before October 15th of the  
19 school year. If the child fails to present proof by October  
20 15th, the school may hold the child's report card until one of  
21 the following occurs: (i) the child presents proof of a  
22 completed eye examination or (ii) the child presents proof that  
23 an eye examination will take place within 60 days after October  
24 15th. The Department of Public Health shall establish, by rule,  
25 a waiver for children who show an undue burden or a lack of  
26 access to a physician licensed to practice medicine in all of

1 its branches who provides eye examinations or to a licensed  
2 optometrist. Each public, private, and parochial school must  
3 give notice of this eye examination requirement to the parents  
4 and guardians of students in compliance with rules of the  
5 Department of Public Health. Nothing in this Section shall be  
6 construed to allow a school to exclude a child from attending  
7 because of a parent's or guardian's failure to obtain an eye  
8 examination for the child.

9 (2) The Department of Public Health shall promulgate rules  
10 and regulations specifying the examinations and procedures  
11 that constitute a health examination, which shall include an  
12 age-appropriate developmental screening, an age-appropriate  
13 social and emotional screening, and the collection of data  
14 relating to asthma and obesity (including at a minimum, date of  
15 birth, gender, height, weight, blood pressure, and date of  
16 exam), and a dental examination and may recommend by rule that  
17 certain additional examinations be performed. The rules and  
18 regulations of the Department of Public Health shall specify  
19 that a tuberculosis skin test screening shall be included as a  
20 required part of each health examination included under this  
21 Section if the child resides in an area designated by the  
22 Department of Public Health as having a high incidence of  
23 tuberculosis. With respect to the developmental screening and  
24 the social and emotional screening, the Department of Public  
25 Health must, no later than January 1, 2019, develop rules and  
26 appropriate revisions to the Child Health Examination form in

1 conjunction with a statewide organization representing school  
2 boards; a statewide organization representing pediatricians;  
3 statewide organizations representing individuals holding  
4 Illinois educator licenses with school support personnel  
5 endorsements, including school social workers, school  
6 psychologists, and school nurses; a statewide organization  
7 representing children's mental health experts; a statewide  
8 organization representing school principals; the Director of  
9 Healthcare and Family Services or his or her designee, the  
10 State Superintendent of Education or his or her designee; and  
11 representatives of other appropriate State agencies and, at a  
12 minimum, must recommend the use of validated screening tools  
13 appropriate to the child's age or grade, and, with regard to  
14 the social and emotional screening, require recording only  
15 whether or not the screening was completed. The rules shall  
16 take into consideration the screening recommendations of the  
17 American Academy of Pediatrics and must be consistent with the  
18 State Board of Education's social and emotional learning  
19 standards. The Department of Public Health shall specify that a  
20 diabetes screening as defined by rule shall be included as a  
21 required part of each health examination. Diabetes testing is  
22 not required.

23 Physicians licensed to practice medicine in all of its  
24 branches, licensed advanced practice registered nurses, or  
25 licensed physician assistants shall be responsible for the  
26 performance of the health examinations, other than dental

1 examinations, eye examinations, and vision and hearing  
2 screening, and shall sign all report forms required by  
3 subsection (4) of this Section that pertain to those portions  
4 of the health examination for which the physician, advanced  
5 practice registered nurse, or physician assistant is  
6 responsible. If a registered nurse performs any part of a  
7 health examination, then a physician licensed to practice  
8 medicine in all of its branches must review and sign all  
9 required report forms. Licensed dentists shall perform all  
10 dental examinations and shall sign all report forms required by  
11 subsection (4) of this Section that pertain to the dental  
12 examinations. Physicians licensed to practice medicine in all  
13 its branches or licensed optometrists shall perform all eye  
14 examinations required by this Section and shall sign all report  
15 forms required by subsection (4) of this Section that pertain  
16 to the eye examination. For purposes of this Section, an eye  
17 examination shall at a minimum include history, visual acuity,  
18 subjective refraction to best visual acuity near and far,  
19 internal and external examination, and a glaucoma evaluation,  
20 as well as any other tests or observations that in the  
21 professional judgment of the doctor are necessary. Vision and  
22 hearing screening tests, which shall not be considered  
23 examinations as that term is used in this Section, shall be  
24 conducted in accordance with rules and regulations of the  
25 Department of Public Health, and by individuals whom the  
26 Department of Public Health has certified. In these rules and

1 regulations, the Department of Public Health shall require that  
2 individuals conducting vision screening tests give a child's  
3 parent or guardian written notification, before the vision  
4 screening is conducted, that states, "Vision screening is not a  
5 substitute for a complete eye and vision evaluation by an eye  
6 doctor. Your child is not required to undergo this vision  
7 screening if an optometrist or ophthalmologist has completed  
8 and signed a report form indicating that an examination has  
9 been administered within the previous 12 months.".

10 (2.5) With respect to the developmental screening and the  
11 social and emotional screening portion of the health  
12 examination, each child may present proof of having been  
13 screened in accordance with this Section and the rules adopted  
14 under this Section before October 15th of the school year. With  
15 regard to the social and emotional screening only, the  
16 examining health care provider shall only record whether or not  
17 the screening was completed. If the child fails to present  
18 proof of the developmental screening or the social and  
19 emotional screening portions of the health examination by  
20 October 15th of the school year, qualified school support  
21 personnel may, with a parent's or guardian's consent, offer the  
22 developmental screening or the social and emotional screening  
23 to the child. Each public, private, and parochial school must  
24 give notice of the developmental screening and social and  
25 emotional screening requirements to the parents and guardians  
26 of students in compliance with the rules of the Department of



1 Public Health. Nothing in this Section shall be construed to  
2 allow a school to exclude a child from attending because of a  
3 parent's or guardian's failure to obtain a developmental  
4 screening or a social and emotional screening for the child.  
5 Once a developmental screening or a social and emotional  
6 screening is completed and proof has been presented to the  
7 school, the school may, with a parent's or guardian's consent,  
8 make available appropriate school personnel to work with the  
9 parent or guardian, the child, and the provider who signed the  
10 screening form to obtain any appropriate evaluations and  
11 services as indicated on the form and in other information and  
12 documentation provided by the parents, guardians, or provider.

13 (3) Every child shall, at or about the same time as he or  
14 she receives a health examination required by subsection (1) of  
15 this Section, present to the local school proof of having  
16 received such immunizations against preventable communicable  
17 diseases as the Department of Public Health shall require by  
18 rules and regulations promulgated pursuant to this Section and  
19 the Communicable Disease Prevention Act.

20 (4) The individuals conducting the health examination,  
21 dental examination, or eye examination shall record the fact of  
22 having conducted the examination, and such additional  
23 information as required, including for a health examination  
24 data relating to asthma and obesity (including at a minimum,  
25 date of birth, gender, height, weight, blood pressure, and date  
26 of exam), on uniform forms which the Department of Public

1 Health and the State Board of Education shall prescribe for  
2 statewide use. The examiner shall summarize on the report form  
3 any condition that he or she suspects indicates a need for  
4 special services, including for a health examination factors  
5 relating to asthma or obesity. The duty to summarize on the  
6 report form does not apply to social and emotional screenings.  
7 The confidentiality of the information and records relating to  
8 the developmental screening and the social and emotional  
9 screening shall be determined by the statutes, rules, and  
10 professional ethics governing the type of provider conducting  
11 the screening. The individuals confirming the administration  
12 of required immunizations shall record as indicated on the form  
13 that the immunizations were administered.

14 (5) If a child does not submit proof of having had either  
15 the health examination or the immunization as required, then  
16 the child shall be examined or receive the immunization, as the  
17 case may be, and present proof by October 15 of the current  
18 school year, or by an earlier date of the current school year  
19 established by a school district. To establish a date before  
20 October 15 of the current school year for the health  
21 examination or immunization as required, a school district must  
22 give notice of the requirements of this Section 60 days prior  
23 to the earlier established date. If for medical reasons one or  
24 more of the required immunizations must be given after October  
25 15 of the current school year, or after an earlier established  
26 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 registered nurse, physician assistant, registered nurse, or  
6 local health department that will be responsible for  
7 administration of the remaining required immunizations. If a  
8 child does not comply by October 15, or by the earlier  
9 established date of the current school year, with the  
10 requirements of this subsection, then the local school  
11 authority shall exclude that child from school until such time  
12 as the child presents proof of having had the health  
13 examination as required and presents proof of having received  
14 those required immunizations which are medically possible to  
15 receive immediately. During a child's exclusion from school for  
16 noncompliance with this subsection, the child's parents or  
17 legal guardian shall be considered in violation of Section 26-1  
18 and subject to any penalty imposed by Section 26-10. This  
19 subsection (5) does not apply to dental examinations, eye  
20 examinations, and the developmental screening and the social  
21 and emotional screening portions of the health examination. If  
22 the student is an out-of-state transfer student and does not  
23 have the proof required under this subsection (5) before  
24 October 15 of the current year or whatever date is set by the  
25 school district, then he or she may only attend classes (i) if  
26 he or she has proof that an appointment for the required

1 vaccinations has been scheduled with a party authorized to  
2 submit proof of the required vaccinations. If the proof of  
3 vaccination required under this subsection (5) is not submitted  
4 within 30 days after the student is permitted to attend  
5 classes, then the student is not to be permitted to attend  
6 classes until proof of the vaccinations has been properly  
7 submitted. No school district or employee of a school district  
8 shall be held liable for any injury or illness to another  
9 person that results from admitting an out-of-state transfer  
10 student to class that has an appointment scheduled pursuant to  
11 this subsection (5).

12 (6) Every school shall report to the State Board of  
13 Education by November 15, in the manner which that agency shall  
14 require, the number of children who have received the necessary  
15 immunizations and the health examination (other than a dental  
16 examination or eye examination) as required, indicating, of  
17 those who have not received the immunizations and examination  
18 as required, the number of children who are exempt from health  
19 examination and immunization requirements on religious or  
20 medical grounds as provided in subsection (8). On or before  
21 December 1 of each year, every public school district and  
22 registered nonpublic school shall make publicly available the  
23 immunization data they are required to submit to the State  
24 Board of Education by November 15. The immunization data made  
25 publicly available must be identical to the data the school  
26 district or school has reported to the State Board of

1 Education.

2 Every school shall report to the State Board of Education  
3 by June 30, in the manner that the State Board requires, the  
4 number of children who have received the required dental  
5 examination, indicating, of those who have not received the  
6 required dental examination, the number of children who are  
7 exempt from the dental examination on religious grounds as  
8 provided in subsection (8) of this Section and the number of  
9 children who have received a waiver under subsection (1.5) of  
10 this Section.

11 Every school shall report to the State Board of Education  
12 by June 30, in the manner that the State Board requires, the  
13 number of children who have received the required eye  
14 examination, indicating, of those who have not received the  
15 required eye examination, the number of children who are exempt  
16 from the eye examination as provided in subsection (8) of this  
17 Section, the number of children who have received a waiver  
18 under subsection (1.10) of this Section, and the total number  
19 of children in noncompliance with the eye examination  
20 requirement.

21 The reported information under this subsection (6) shall be  
22 provided to the Department of Public Health by the State Board  
23 of Education.

24 (7) Upon determining that the number of pupils who are  
25 required to be in compliance with subsection (5) of this  
26 Section is below 90% of the number of pupils enrolled in the

1 school district, 10% of each State aid payment made pursuant to  
2 Section 18-8.05 or 18-8.15 to the school district for such year  
3 may be withheld by the State Board of Education until the  
4 number of students in compliance with subsection (5) is the  
5 applicable specified percentage or higher.

6 (8) Children of parents or legal guardians who object to  
7 health, dental, or eye examinations or any part thereof, to  
8 immunizations, or to vision and hearing screening tests on  
9 religious grounds shall not be required to undergo the  
10 examinations, tests, or immunizations to which they so object  
11 if such parents or legal guardians present to the appropriate  
12 local school authority a signed Certificate of Religious  
13 Exemption detailing the grounds for objection and the specific  
14 immunizations, tests, or examinations to which they object. The  
15 grounds for objection must set forth the specific religious  
16 belief that conflicts with the examination, test,  
17 immunization, or other medical intervention. The signed  
18 certificate shall also reflect the parent's or legal guardian's  
19 understanding of the school's exclusion policies in the case of  
20 a vaccine-preventable disease outbreak or exposure. The  
21 certificate must also be signed by the authorized examining  
22 health care provider responsible for the performance of the  
23 child's health examination confirming that the provider  
24 provided education to the parent or legal guardian on the  
25 benefits of immunization and the health risks to the student  
26 and to the community of the communicable diseases for which

1 immunization is required in this State. However, the health  
2 care provider's signature on the certificate reflects only that  
3 education was provided and does not allow a health care  
4 provider grounds to determine a religious exemption. Those  
5 receiving immunizations required under this Code shall be  
6 provided with the relevant vaccine information statements that  
7 are required to be disseminated by the federal National  
8 Childhood Vaccine Injury Act of 1986, which may contain  
9 information on circumstances when a vaccine should not be  
10 administered, prior to administering a vaccine. A healthcare  
11 provider may consider including without limitation the  
12 nationally accepted recommendations from federal agencies such  
13 as the Advisory Committee on Immunization Practices, the  
14 information outlined in the relevant vaccine information  
15 statement, and vaccine package inserts, along with the  
16 healthcare provider's clinical judgment, to determine whether  
17 any child may be more susceptible to experiencing an adverse  
18 vaccine reaction than the general population, and, if so, the  
19 healthcare provider may exempt the child from an immunization  
20 or adopt an individualized immunization schedule. The  
21 Certificate of Religious Exemption shall be created by the  
22 Department of Public Health and shall be made available and  
23 used by parents and legal guardians by the beginning of the  
24 2015-2016 school year. Parents or legal guardians must submit  
25 the Certificate of Religious Exemption to their local school  
26 authority prior to entering kindergarten, sixth grade, and

1 ninth grade for each child for which they are requesting an  
2 exemption. The religious objection stated need not be directed  
3 by the tenets of an established religious organization.  
4 However, general philosophical or moral reluctance to allow  
5 physical examinations, eye examinations, immunizations, vision  
6 and hearing screenings, or dental examinations does not provide  
7 a sufficient basis for an exception to statutory requirements.  
8 The local school authority is responsible for determining if  
9 the content of the Certificate of Religious Exemption  
10 constitutes a valid religious objection. The local school  
11 authority shall inform the parent or legal guardian of  
12 exclusion procedures, in accordance with the Department's  
13 rules under Part 690 of Title 77 of the Illinois Administrative  
14 Code, at the time the objection is presented.

15 If the physical condition of the child is such that any one  
16 or more of the immunizing agents should not be administered,  
17 the examining physician, advanced practice registered nurse,  
18 or physician assistant responsible for the performance of the  
19 health examination shall endorse that fact upon the health  
20 examination form.

21 Exempting a child from the health, dental, or eye  
22 examination does not exempt the child from participation in the  
23 program of physical education training provided in Sections  
24 27-5 through 27-7 of this Code.

25 (9) For the purposes of this Section, "nursery schools"  
26 means those nursery schools operated by elementary school



1 systems or secondary level school units or institutions of  
2 higher learning.

3 (Source: P.A. 99-173, eff. 7-29-15; 99-249, eff. 8-3-15;  
4 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-238, eff.  
5 1-1-18; 100-465, eff. 8-31-17; 100-513, eff. 1-1-18; revised  
6 9-22-17.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.