

HB5592



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5592

by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-8.1

from Ch. 122, par. 27-8.1

Amends the School Code. Makes technical and revisory changes in a Section concerning health examinations and immunizations.

LRB100 18402 AXK 33615 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 ~~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 develop rules and appropriate revisions to the
26 Child Health Examination form in conjunction with a statewide

1 organization representing school boards; a statewide
2 organization representing pediatricians; statewide
3 organizations representing individuals holding Illinois
4 educator licenses with school support personnel endorsements,
5 including school social workers, school psychologists, and
6 school nurses; a statewide organization representing
7 children's mental health experts; a statewide organization
8 representing school principals; the Director of Healthcare and
9 Family Services or his or her designee, the State
10 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.)