



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4597

by Rep. Anna Moeller

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-8.1

from Ch. 122, par. 27-8.1

Amends the School Code. Provides that all children in kindergarten and the second, sixth, and ninth grades (rather than all children in kindergarten and the second and sixth grades) of any public, private, or parochial school shall have a dental examination. Provides that all children, regardless of grade level, shall have a dental examination immediately prior to or upon enrolling for the first time in any public, private, parochial, or nursery school. Sets forth additional information that a school must report to the State Board of Education with respect to children receiving a required dental examination.

LRB100 18734 AXK 33968 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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, and~~  
17 ninth grades of any public, private, or parochial school shall  
18 have a dental examination. All children, regardless of grade  
19 level, shall have a dental examination immediately prior to or  
20 upon enrolling for the first time in any public, private,  
21 parochial, or nursery school. Each of these children shall  
22 present proof of having been examined by a dentist in  
23 accordance with this Section and rules adopted under this  
24 Section before May 15th of the school year. If a child in the  
25 second, ~~or sixth, or ninth~~ grade fails to present proof by May  
26 15th, the school may hold the child's report card until one of

1 the following occurs: (i) the child presents proof of a  
2 completed dental examination or (ii) the child presents proof  
3 that a dental examination will take place within 60 days after  
4 May 15th. The Department of Public Health shall establish, by  
5 rule, a waiver for children who show an undue burden or a lack  
6 of access to a dentist. Each public, private, ~~and~~ parochial,  
7 and nursery school must give notice of this dental examination  
8 requirement to the parents and guardians of students at least  
9 60 days before May 15th of each school year.

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

1 an eye examination will take place within 60 days after October  
2 15th. The Department of Public Health shall establish, by rule,  
3 a waiver for children who show an undue burden or a lack of  
4 access to a physician licensed to practice medicine in all of  
5 its branches who provides eye examinations or to a licensed  
6 optometrist. Each public, private, and parochial school must  
7 give notice of this eye examination requirement to the parents  
8 and guardians of students in compliance with rules of the  
9 Department of Public Health. Nothing in this Section shall be  
10 construed to allow a school to exclude a child from attending  
11 because of a parent's or guardian's failure to obtain an eye  
12 examination for the child.

13 (2) The Department of Public Health shall promulgate rules  
14 and regulations specifying the examinations and procedures  
15 that constitute a health examination, which shall include an  
16 age-appropriate developmental screening, an age-appropriate  
17 social and emotional screening, and the collection of data  
18 relating to asthma and obesity (including at a minimum, date of  
19 birth, gender, height, weight, blood pressure, and date of  
20 exam), and a dental examination and may recommend by rule that  
21 certain additional examinations be performed. The rules and  
22 regulations of the Department of Public Health shall specify  
23 that a tuberculosis skin test screening shall be included as a  
24 required part of each health examination included under this  
25 Section if the child resides in an area designated by the  
26 Department of Public Health as having a high incidence of

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

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

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

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



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

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

24 (4) The individuals conducting the health examination,  
25 dental examination, or eye examination shall record the fact of  
26 having conducted the examination, and such additional

1 information as required, including for a health examination  
2 data relating to asthma and obesity (including at a minimum,  
3 date of birth, gender, height, weight, blood pressure, and date  
4 of exam), on uniform forms which the Department of Public  
5 Health and the State Board of Education shall prescribe for  
6 statewide use. The examiner shall summarize on the report form  
7 any condition that he or she suspects indicates a need for  
8 special services, including for a health examination factors  
9 relating to asthma or obesity. The duty to summarize on the  
10 report form does not apply to social and emotional screenings.  
11 The confidentiality of the information and records relating to  
12 the developmental screening and the social and emotional  
13 screening shall be determined by the statutes, rules, and  
14 professional ethics governing the type of provider conducting  
15 the screening. The individuals confirming the administration  
16 of required immunizations shall record as indicated on the form  
17 that the immunizations were administered.

18 (5) If a child does not submit proof of having had either  
19 the health examination or the immunization as required, then  
20 the child shall be examined or receive the immunization, as the  
21 case may be, and present proof by October 15 of the current  
22 school year, or by an earlier date of the current school year  
23 established by a school district. To establish a date before  
24 October 15 of the current school year for the health  
25 examination or immunization as required, a school district must  
26 give notice of the requirements of this Section 60 days prior

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

1 have the proof required under this subsection (5) before  
2 October 15 of the current year or whatever date is set by the  
3 school district, then he or she may only attend classes (i) if  
4 he or she has proof that an appointment for the required  
5 vaccinations has been scheduled with a party authorized to  
6 submit proof of the required vaccinations. If the proof of  
7 vaccination required under this subsection (5) is not submitted  
8 within 30 days after the student is permitted to attend  
9 classes, then the student is not to be permitted to attend  
10 classes until proof of the vaccinations has been properly  
11 submitted. No school district or employee of a school district  
12 shall be held liable for any injury or illness to another  
13 person that results from admitting an out-of-state transfer  
14 student to class that has an appointment scheduled pursuant to  
15 this subsection (5).

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

1 immunization data they are required to submit to the State  
2 Board of Education by November 15. The immunization data made  
3 publicly available must be identical to the data the school  
4 district or school has reported to the State Board of  
5 Education.

6 Every school shall report to the State Board of Education  
7 by June 30, in the manner that the State Board requires, the  
8 number of children enrolled and the number of children who have  
9 received the required dental examination, indicating, of those  
10 children, the number with or without dental sealants, with or  
11 without dental caries experience, and with or without untreated  
12 decay and the number of children with urgent dental treatment  
13 needs. Of those children who have not received the required  
14 dental examination, the school shall report the number of  
15 children who have not received the required dental examination,  
16 indicating, of those children, the number of children with  
17 scheduled appointments, the number of children who are exempt  
18 from the dental examination on medical or disability grounds or  
19 on religious grounds as provided in subsection (8) of this  
20 Section, and the number of children who have received a waiver  
21 under subsection (1.5) of this Section.

22 Every school shall report to the State Board of Education  
23 by June 30, in the manner that the State Board requires, the  
24 number of children who have received the required eye  
25 examination, indicating, of those who have not received the  
26 required eye examination, the number of children who are exempt

1 from the eye examination as provided in subsection (8) of this  
2 Section, the number of children who have received a waiver  
3 under subsection (1.10) of this Section, and the total number  
4 of children in noncompliance with the eye examination  
5 requirement.

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

9 (7) Upon determining that the number of pupils who are  
10 required to be in compliance with subsection (5) of this  
11 Section is below 90% of the number of pupils enrolled in the  
12 school district, 10% of each State aid payment made pursuant to  
13 Section 18-8.05 or 18-8.15 to the school district for such year  
14 may be withheld by the State Board of Education until the  
15 number of students in compliance with subsection (5) is the  
16 applicable specified percentage or higher.

17 (8) Children of parents or legal guardians who object to  
18 health, dental, or eye examinations or any part thereof, to  
19 immunizations, or to vision and hearing screening tests on  
20 religious grounds shall not be required to undergo the  
21 examinations, tests, or immunizations to which they so object  
22 if such parents or legal guardians present to the appropriate  
23 local school authority a signed Certificate of Religious  
24 Exemption detailing the grounds for objection and the specific  
25 immunizations, tests, or examinations to which they object. The  
26 grounds for objection must set forth the specific religious

1 belief that conflicts with the examination, test,  
2 immunization, or other medical intervention. The signed  
3 certificate shall also reflect the parent's or legal guardian's  
4 understanding of the school's exclusion policies in the case of  
5 a vaccine-preventable disease outbreak or exposure. The  
6 certificate must also be signed by the authorized examining  
7 health care provider responsible for the performance of the  
8 child's health examination confirming that the provider  
9 provided education to the parent or legal guardian on the  
10 benefits of immunization and the health risks to the student  
11 and to the community of the communicable diseases for which  
12 immunization is required in this State. However, the health  
13 care provider's signature on the certificate reflects only that  
14 education was provided and does not allow a health care  
15 provider grounds to determine a religious exemption. Those  
16 receiving immunizations required under this Code shall be  
17 provided with the relevant vaccine information statements that  
18 are required to be disseminated by the federal National  
19 Childhood Vaccine Injury Act of 1986, which may contain  
20 information on circumstances when a vaccine should not be  
21 administered, prior to administering a vaccine. A healthcare  
22 provider may consider including without limitation the  
23 nationally accepted recommendations from federal agencies such  
24 as the Advisory Committee on Immunization Practices, the  
25 information outlined in the relevant vaccine information  
26 statement, and vaccine package inserts, along with the

1 healthcare provider's clinical judgment, to determine whether  
2 any child may be more susceptible to experiencing an adverse  
3 vaccine reaction than the general population, and, if so, the  
4 healthcare provider may exempt the child from an immunization  
5 or adopt an individualized immunization schedule. The  
6 Certificate of Religious Exemption shall be created by the  
7 Department of Public Health and shall be made available and  
8 used by parents and legal guardians by the beginning of the  
9 2015-2016 school year. Parents or legal guardians must submit  
10 the Certificate of Religious Exemption to their local school  
11 authority prior to entering kindergarten, sixth grade, and  
12 ninth grade for each child for which they are requesting an  
13 exemption. The religious objection stated need not be directed  
14 by the tenets of an established religious organization.  
15 However, general philosophical or moral reluctance to allow  
16 physical examinations, eye examinations, immunizations, vision  
17 and hearing screenings, or dental examinations does not provide  
18 a sufficient basis for an exception to statutory requirements.  
19 The local school authority is responsible for determining if  
20 the content of the Certificate of Religious Exemption  
21 constitutes a valid religious objection. The local school  
22 authority shall inform the parent or legal guardian of  
23 exclusion procedures, in accordance with the Department's  
24 rules under Part 690 of Title 77 of the Illinois Administrative  
25 Code, at the time the objection is presented.

26 If the physical condition of the child is such that any one



1 or more of the immunizing agents should not be administered,  
2 the examining physician, advanced practice registered nurse,  
3 or physician assistant responsible for the performance of the  
4 health examination shall endorse that fact upon the health  
5 examination form.

6 Exempting a child from the health, dental, or eye  
7 examination does not exempt the child from participation in the  
8 program of physical education training provided in Sections  
9 27-5 through 27-7 of this Code.

10 (9) For the purposes of this Section, "nursery schools"  
11 means those nursery schools operated by elementary school  
12 systems or secondary level school units or institutions of  
13 higher learning.

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