



Rep. Sue Scherer

**Filed: 3/19/2019**

10100HB0422ham001

LRB101 03357 AXK 56511 a

1 AMENDMENT TO HOUSE BILL 422

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 422 by replacing  
3 everything after the enacting clause with the following:

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,

1 immediately prior to or upon entrance into any public, private,  
2 or parochial school or nursery school, each child shall present  
3 proof of having been examined in accordance with this Section  
4 and the rules and regulations promulgated hereunder. Any child  
5 who received a health examination within one year prior to  
6 entering the fifth grade for the 2007-2008 school year is not  
7 required to receive an additional health examination in order  
8 to comply with the provisions of Public Act 95-422 when he or  
9 she attends school for the 2008-2009 school year, unless the  
10 child is attending school for the first time as provided in  
11 this paragraph.

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

21 (1.5) In compliance with rules adopted by the Department of  
22 Public Health and except as otherwise provided in this Section,  
23 all children in kindergarten and the second, sixth, and ninth  
24 grades of any public, private, or parochial school shall have a  
25 dental examination. Each of these children shall present proof  
26 of having been examined by a dentist in accordance with this

1 Section and rules adopted under this Section before May 15th of  
2 the school year. If a child in the second, sixth, or ninth  
3 grade fails to present proof by May 15th, the school may hold  
4 the child's report card until one of the following occurs: (i)  
5 the child presents proof of a completed dental examination or  
6 (ii) the child presents proof that a dental examination will  
7 take place within 60 days after May 15th. The Department of  
8 Public Health shall establish, by rule, a waiver for children  
9 who show an undue burden or a lack of access to a dentist. Each  
10 public, private, and parochial school must give notice of this  
11 dental examination requirement to the parents and guardians of  
12 students at least 60 days before May 15th of each school year.

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

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

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

1 Department of Public Health as having a high incidence of  
2 tuberculosis. With respect to the developmental screening and  
3 the social and emotional screening, the Department of Public  
4 Health must, no later than January 1, 2019, develop rules and  
5 appropriate revisions to the Child Health Examination form in  
6 conjunction with a statewide organization representing school  
7 boards; a statewide organization representing pediatricians;  
8 statewide organizations representing individuals holding  
9 Illinois educator licenses with school support personnel  
10 endorsements, including school social workers, school  
11 psychologists, and school nurses; a statewide organization  
12 representing children's mental health experts; a statewide  
13 organization representing school principals; the Director of  
14 Healthcare and Family Services or his or her designee, the  
15 State Superintendent of Education or his or her designee; and  
16 representatives of other appropriate State agencies and, at a  
17 minimum, must recommend the use of validated screening tools  
18 appropriate to the child's age or grade, and, with regard to  
19 the social and emotional screening, require recording only  
20 whether or not the screening was completed. The rules shall  
21 take into consideration the screening recommendations of the  
22 American Academy of Pediatrics and must be consistent with the  
23 State Board of Education's social and emotional learning  
24 standards. The Department of Public Health shall specify that a  
25 diabetes screening as defined by rule shall be included as a  
26 required part of each health examination. Diabetes testing is

1 not required.

2 Physicians licensed to practice medicine in all of its  
3 branches, licensed advanced practice registered nurses, or  
4 licensed physician assistants shall be responsible for the  
5 performance of the health examinations, other than dental  
6 examinations, eye examinations, and vision and hearing  
7 screening, and shall sign all report forms required by  
8 subsection (4) of this Section that pertain to those portions  
9 of the health examination for which the physician, advanced  
10 practice registered nurse, or physician assistant is  
11 responsible. If a registered nurse performs any part of a  
12 health examination, then a physician licensed to practice  
13 medicine in all of its branches must review and sign all  
14 required report forms. Licensed dentists shall perform all  
15 dental examinations and shall sign all report forms required by  
16 subsection (4) of this Section that pertain to the dental  
17 examinations. Physicians licensed to practice medicine in all  
18 its branches or licensed optometrists shall perform all eye  
19 examinations required by this Section and shall sign all report  
20 forms required by subsection (4) of this Section that pertain  
21 to the eye examination. For purposes of this Section, an eye  
22 examination shall at a minimum include history, visual acuity,  
23 subjective refraction to best visual acuity near and far,  
24 internal and external examination, and a glaucoma evaluation,  
25 as well as any other tests or observations that in the  
26 professional judgment of the doctor are necessary. Vision and

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

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

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

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

25 (4) The individuals conducting the health examination,  
26 dental examination, or eye examination shall record the fact of



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

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

1 give notice of the requirements of this Section 60 days prior  
2 to the earlier established date. If for medical reasons one or  
3 more of the required immunizations must be given after October  
4 15 of the current school year, or after an earlier established  
5 date of the current school year, then the child shall present,  
6 by October 15, or by the earlier established date, a schedule  
7 for the administration of the immunizations and a statement of  
8 the medical reasons causing the delay, both the schedule and  
9 the statement being issued by the physician, advanced practice  
10 registered nurse, physician assistant, registered nurse, or  
11 local health department that will be responsible for  
12 administration of the remaining required immunizations. If a  
13 child does not comply by October 15, or by the earlier  
14 established date of the current school year, with the  
15 requirements of this subsection, then the local school  
16 authority shall exclude that child from school until such time  
17 as the child presents proof of having had the health  
18 examination as required and presents proof of having received  
19 those required immunizations which are medically possible to  
20 receive immediately. During a child's exclusion from school for  
21 noncompliance with this subsection, the child's parents or  
22 legal guardian shall be considered in violation of Section 26-1  
23 and subject to any penalty imposed by Section 26-10. This  
24 subsection (5) does not apply to dental examinations, eye  
25 examinations, and the developmental screening and the social  
26 and emotional screening portions of the health examination. If

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

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

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

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

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

26 The reported information under this subsection (6) shall be

1 provided to the Department of Public Health by the State Board  
2 of Education.

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

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

1 health care provider responsible for the performance of the  
2 child's health examination confirming that the provider  
3 provided education to the parent or legal guardian on the  
4 benefits of immunization and the health risks to the student  
5 and to the community of the communicable diseases for which  
6 immunization is required in this State. However, the health  
7 care provider's signature on the certificate reflects only that  
8 education was provided and does not allow a health care  
9 provider grounds to determine a religious exemption. Those  
10 receiving immunizations required under this Code shall be  
11 provided with the relevant vaccine information statements that  
12 are required to be disseminated by the federal National  
13 Childhood Vaccine Injury Act of 1986, which may contain  
14 information on circumstances when a vaccine should not be  
15 administered, prior to administering a vaccine. A healthcare  
16 provider may consider including without limitation the  
17 nationally accepted recommendations from federal agencies such  
18 as the Advisory Committee on Immunization Practices, the  
19 information outlined in the relevant vaccine information  
20 statement, and vaccine package inserts, along with the  
21 healthcare provider's clinical judgment, to determine whether  
22 any child may be more susceptible to experiencing an adverse  
23 vaccine reaction than the general population, and, if so, the  
24 healthcare provider may exempt the child from an immunization  
25 or adopt an individualized immunization schedule. The  
26 Certificate of Religious Exemption shall be created by the

1 Department of Public Health and shall be made available and  
2 used by parents and legal guardians by the beginning of the  
3 2015-2016 school year. Parents or legal guardians must submit  
4 the Certificate of Religious Exemption to their local school  
5 authority prior to entering kindergarten, sixth grade, and  
6 ninth grade for each child for which they are requesting an  
7 exemption. The religious objection stated need not be directed  
8 by the tenets of an established religious organization.  
9 However, general philosophical or moral reluctance to allow  
10 physical examinations, eye examinations, immunizations, vision  
11 and hearing screenings, or dental examinations does not provide  
12 a sufficient basis for an exception to statutory requirements.  
13 The local school authority is responsible for determining if  
14 the content of the Certificate of Religious Exemption  
15 constitutes a valid religious objection. The local school  
16 authority shall inform the parent or legal guardian of  
17 exclusion procedures, in accordance with the Department's  
18 rules under Part 690 of Title 77 of the Illinois Administrative  
19 Code, at the time the objection is presented. Beginning with  
20 the 2020-2021 school year, a parent or legal guardian who  
21 objects to immunizations on religious grounds must submit with  
22 the Certificate of Religious Exemption a certificate of  
23 completion of an online immunization seminar issued by the  
24 Department of Public Health under Section 2.5 of the  
25 Communicable Disease Prevention Act.

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 (8.5) The school board of a school district shall include  
11 informational materials regarding influenza and influenza  
12 vaccinations and meningococcal disease and meningococcal  
13 vaccinations developed, provided, or approved by the  
14 Department of Public Health under Section 2310-700 of the  
15 Department of Public Health Powers and Duties Law of the Civil  
16 Administrative Code of Illinois when the board provides  
17 information on immunizations, infectious diseases,  
18 medications, or other school health issues to the parents or  
19 guardians of students.

20 (9) For the purposes of this Section, "nursery schools"  
21 means those nursery schools operated by elementary school  
22 systems or secondary level school units or institutions of  
23 higher learning.

24 (Source: P.A. 99-173, eff. 7-29-15; 99-249, eff. 8-3-15;  
25 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-238, eff.  
26 1-1-18; 100-465, eff. 8-31-17; 100-513, eff. 1-1-18; 100-829,



1 eff. 1-1-19; 100-863, eff. 8-14-18; 100-977, eff. 1-1-19;  
2 100-1011, eff. 8-21-18; revised 10-5-18.)

3 Section 10. The Communicable Disease Prevention Act is  
4 amended by adding Section 2.5 as follows:

5 (410 ILCS 315/2.5 new)

6 Sec. 2.5. Online immunization seminar. The Department of  
7 Public Health shall develop and implement an online seminar  
8 that contains information on the risks and benefits of  
9 immunizing children against preventable communicable diseases.  
10 The Department shall issue a certificate of completion to those  
11 parents or legal guardians completing the seminar who must  
12 submit a certificate of completion under subsection (8) of  
13 Section 27-8.1 of the School Code."