



Sen. Kimberly A. Lightford

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1 AMENDMENT TO SENATE BILL 565

2 AMENDMENT NO. _____. Amend Senate Bill 565 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 and sixth grades of
24 any public, private, or parochial school shall have a dental
25 examination. Each of these children shall present proof of
26 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 or sixth grade fails
3 to present proof by May 15th, the school may hold the child's
4 report card until one of the following occurs: (i) the child
5 presents proof of a completed dental examination or (ii) the
6 child presents proof that a dental examination will take place
7 within 60 days after May 15th. The Department of Public Health
8 shall establish, by rule, a waiver for children who show an
9 undue burden or a lack of access to a dentist. Each public,
10 private, and parochial school must give notice of this dental
11 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 the effective date of this
16 amendatory Act of the 95th General Assembly and any student
17 enrolling for the first time in a public, private, or parochial
18 school on or after the effective date of this amendatory Act of
19 the 95th General Assembly shall have an eye examination. Each
20 of these children shall present proof of having been examined
21 by a physician licensed to practice medicine in all of its
22 branches or a licensed optometrist within the previous year, in
23 accordance with this Section and rules adopted under this
24 Section, before October 15th of the school year. If the child
25 fails to present proof by October 15th, the school may hold the
26 child's report card until one of the following occurs: (i) the

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

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

1 Section if the child resides in an area designated by the
2 Department of Public Health as having a high incidence of
3 tuberculosis. With respect to social and emotional screening,
4 the rules shall, at a minimum, recommend the use of a validated
5 screening tool such as the Ages and Stages Social-Emotional
6 Questionnaire or the Pediatric Symptom Checklist or another
7 validated screening tool as recommended by the Illinois Chapter
8 of the American Academy of Pediatrics, shall provide that
9 social and emotional screenings are not intended to replace or
10 duplicate healthcare systems conducting screening and
11 anticipatory guidance consistent with recommendations of the
12 American Academy of Pediatrics, and must be consistent with the
13 State Board of Education's social and emotional learning
14 standards. The Department of Public Health shall specify that a
15 diabetes screening as defined by rule shall be included as a
16 required part of each health examination. Diabetes testing is
17 not required.

18 Physicians licensed to practice medicine in all of its
19 branches, advanced practice nurses who have a written
20 collaborative agreement with a collaborating physician which
21 authorizes them to perform health examinations, or physician
22 assistants who have been delegated the performance of health
23 examinations by their supervising physician shall be
24 responsible for the performance of the health examinations,
25 other than dental examinations, eye examinations, and vision
26 and hearing screening, and shall sign all report forms required

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

1 parent or guardian written notification, before the vision
2 screening is conducted, that states, "Vision screening is not a
3 substitute for a complete eye and vision evaluation by an eye
4 doctor. Your child is not required to undergo this vision
5 screening if an optometrist or ophthalmologist has completed
6 and signed a report form indicating that an examination has
7 been administered within the previous 12 months."

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

15 (4) The individuals conducting the health examination,
16 dental examination, or eye examination shall record the fact of
17 having conducted the examination, and such additional
18 information as required, including for a health examination
19 data relating to obesity (including at a minimum, date of
20 birth, gender, height, weight, blood pressure, and date of
21 exam), on uniform forms which the Department of Public Health
22 and the State Board of Education shall prescribe for statewide
23 use. The examiner shall summarize on the report form any
24 condition that he or she suspects indicates a need for special
25 services, including for a health examination factors relating
26 to obesity. Regarding social and emotional functioning,

1 information must be shared in a manner consistent with laws and
2 policies governing healthcare confidentiality. The individuals
3 confirming the administration of required immunizations shall
4 record as indicated on the form that the immunizations were
5 administered.

6 (5) If a child does not submit proof of having had either
7 the health examination or the immunization as required, then
8 the child shall be examined or receive the immunization, as the
9 case may be, and present proof by October 15 of the current
10 school year, or by an earlier date of the current school year
11 established by a school district. To establish a date before
12 October 15 of the current school year for the health
13 examination or immunization as required, a school district must
14 give notice of the requirements of this Section 60 days prior
15 to the earlier established date. If for medical reasons one or
16 more of the required immunizations must be given after October
17 15 of the current school year, or after an earlier established
18 date of the current school year, then the child shall present,
19 by October 15, or by the earlier established date, a schedule
20 for the administration of the immunizations and a statement of
21 the medical reasons causing the delay, both the schedule and
22 the statement being issued by the physician, advanced practice
23 nurse, physician assistant, registered nurse, or local health
24 department that will be responsible for administration of the
25 remaining required immunizations. If a child does not comply by
26 October 15, or by the earlier established date of the current

1 school year, with the requirements of this subsection, then the
2 local school authority shall exclude that child from school
3 until such time as the child presents proof of having had the
4 health examination as required and presents proof of having
5 received those required immunizations which are medically
6 possible to receive immediately. During a child's exclusion
7 from school for noncompliance with this subsection, the child's
8 parents or legal guardian shall be considered in violation of
9 Section 26-1 and subject to any penalty imposed by Section
10 26-10. This subsection (5) does not apply to dental
11 examinations and eye examinations. If the student is an
12 out-of-state transfer student and does not have the proof
13 required under this subsection (5) before October 15 of the
14 current year or whatever date is set by the school district,
15 then he or she may only attend classes (i) if he or she has
16 proof that an appointment for the required vaccinations has
17 been scheduled with a party authorized to submit proof of the
18 required vaccinations. If the proof of vaccination required
19 under this subsection (5) is not submitted within 30 days after
20 the student is permitted to attend classes, then the student is
21 not to be permitted to attend classes until proof of the
22 vaccinations has been properly submitted. No school district or
23 employee of a school district shall be held liable for any
24 injury or illness to another person that results from admitting
25 an out-of-state transfer student to class that has an
26 appointment scheduled pursuant to this subsection (5).

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

17 Every school shall report to the State Board of Education
18 by June 30, in the manner that the State Board requires, the
19 number of children who have received the required dental
20 examination, indicating, of those who have not received the
21 required dental examination, the number of children who are
22 exempt from the dental examination on religious grounds as
23 provided in subsection (8) of this Section and the number of
24 children who have received a waiver under subsection (1.5) of
25 this Section.

26 Every school shall report to the State Board of Education

1 by June 30, in the manner that the State Board requires, the
2 number of children who have received the required eye
3 examination, indicating, of those who have not received the
4 required eye examination, the number of children who are exempt
5 from the eye examination as provided in subsection (8) of this
6 Section, the number of children who have received a waiver
7 under subsection (1.10) of this Section, and the total number
8 of children in noncompliance with the eye examination
9 requirement.

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

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

21 (8) Parents or legal guardians who object to health,
22 dental, or eye examinations or any part thereof, or to
23 immunizations, on religious grounds shall not be required to
24 submit their children or wards to the examinations or
25 immunizations to which they so object if such parents or legal
26 guardians present to the appropriate local school authority a

1 signed statement of objection, detailing the grounds for the
2 objection. If the physical condition of the child is such that
3 any one or more of the immunizing agents should not be
4 administered, the examining physician, advanced practice
5 nurse, or physician assistant responsible for the performance
6 of the health examination shall endorse that fact upon the
7 health examination form. Exempting a child from the health,
8 dental, or eye examination does not exempt the child from
9 participation in the program of physical education training
10 provided in Sections 27-5 through 27-7 of this Code.

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

15 (Source: P.A. 97-216, eff. 1-1-12; 97-910, eff. 1-1-13; 98-673,
16 eff. 6-30-14.)".