



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1846

Introduced 2/9/2017, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-8.1
410 ILCS 520/4

from Ch. 122, par. 27-8.1
from Ch. 111 1/2, par. 5604

Amends the School Code. Requires the Department of Public Health to promulgate rules and regulations to include asthma in the standard school health examination. Makes conforming changes. Amends the Illinois Health Statistics Act. Requires the Department of Public Health to collect and maintain data on the extent, nature, and impact of asthma, and the determinants of asthma. Makes conforming changes.

LRB100 10273 MLM 20459 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning asthma.

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 (Text of Section before amendment by P.A. 99-927)

8 Sec. 27-8.1. Health examinations and immunizations.

9 (1) In compliance with rules and regulations which the
10 Department of Public Health shall promulgate, and except as
11 hereinafter provided, all children in Illinois shall have a
12 health examination as follows: within one year prior to
13 entering kindergarten or the first grade of any public,
14 private, or parochial elementary school; upon entering the
15 sixth and ninth grades of any public, private, or parochial
16 school; prior to entrance into any public, private, or
17 parochial nursery school; and, irrespective of grade,
18 immediately prior to or upon entrance into any public, private,
19 or parochial school or nursery school, each child shall present
20 proof of having been examined in accordance with this Section
21 and the rules and regulations promulgated hereunder. Any child
22 who received a health examination within one year prior to
23 entering the fifth grade for the 2007-2008 school year is not

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

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

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

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

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

1 examinations or to a licensed optometrist. Each public,
2 private, and parochial school must give notice of this eye
3 examination requirement to the parents and guardians of
4 students in compliance with rules of the Department of Public
5 Health. Nothing in this Section shall be construed to allow a
6 school to exclude a child from attending because of a parent's
7 or guardian's failure to obtain an eye examination for the
8 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 the
12 collection of data relating to asthma and obesity (including at
13 a minimum, date of birth, gender, height, weight, blood
14 pressure, and date of exam), and a dental examination and may
15 recommend by rule that certain additional examinations be
16 performed. The rules and regulations of the Department of
17 Public Health shall specify that a tuberculosis skin test
18 screening shall be included as a required part of each health
19 examination included under this Section if the child resides in
20 an area designated by the Department of Public Health as having
21 a high incidence of tuberculosis. The Department of Public
22 Health shall specify that a diabetes screening as defined by
23 rule shall be included as a required part of each health
24 examination. Diabetes testing is not required.

25 Physicians licensed to practice medicine in all of its
26 branches, licensed advanced practice nurses, or licensed

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

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

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

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

1 any condition that he or she suspects indicates a need for
2 special services, including for a health examination factors
3 relating to asthma or obesity. The individuals confirming the
4 administration of required immunizations shall record as
5 indicated on the form that the immunizations were 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) Children of parents or legal guardians who object to
22 health, dental, or eye examinations or any part thereof, to
23 immunizations, or to vision and hearing screening tests on
24 religious grounds shall not be required to undergo the
25 examinations, tests, or immunizations to which they so object
26 if such parents or legal guardians present to the appropriate

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

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

1 exclusion procedures, in accordance with the Department's
2 rules under Part 690 of Title 77 of the Illinois Administrative
3 Code, at the time the objection is presented.

4 If the physical condition of the child is such that any one
5 or more of the immunizing agents should not be administered,
6 the examining physician, advanced practice nurse, or physician
7 assistant responsible for the performance of the health
8 examination shall endorse that fact upon the health examination
9 form.

10 Exempting a child from the health, dental, or eye
11 examination does not exempt the child from participation in the
12 program of physical education training provided in Sections
13 27-5 through 27-7 of this Code.

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

18 (Source: P.A. 98-673, eff. 6-30-14; 99-173, eff. 7-29-15;
19 99-249, eff. 8-3-15; 99-642, eff. 7-28-16.)

20 (Text of Section after amendment by P.A. 99-927)

21 Sec. 27-8.1. Health examinations and immunizations.

22 (1) In compliance with rules and regulations which the
23 Department of Public Health shall promulgate, and except as
24 hereinafter provided, all children in Illinois shall have a
25 health examination as follows: within one year prior to

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

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

26 (1.5) In compliance with rules adopted by the Department of

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

18 (1.10) Except as otherwise provided in this Section, all
19 children enrolling in kindergarten in a public, private, or
20 parochial school on or after the effective date of this
21 amendatory Act of the 95th General Assembly and any student
22 enrolling for the first time in a public, private, or parochial
23 school on or after the effective date of this amendatory Act of
24 the 95th General Assembly shall have an eye examination. Each
25 of these children shall present proof of having been examined
26 by a physician licensed to practice medicine in all of its

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

20 (2) The Department of Public Health shall promulgate rules
21 and regulations specifying the examinations and procedures
22 that constitute a health examination, which shall include an
23 age-appropriate developmental screening, an age-appropriate
24 social and emotional screening, and the collection of data
25 relating to asthma and obesity (including at a minimum, date of
26 birth, gender, height, weight, blood pressure, and date of

1 exam), and a dental examination and may recommend by rule that
2 certain additional examinations be performed. The rules and
3 regulations of the Department of Public Health shall specify
4 that a tuberculosis skin test screening shall be included as a
5 required part of each health examination included under this
6 Section if the child resides in an area designated by the
7 Department of Public Health as having a high incidence of
8 tuberculosis. With respect to the developmental screening and
9 the social and emotional screening, the Department of Public
10 Health must develop rules and appropriate revisions to the
11 Child Health Examination form in conjunction with a statewide
12 organization representing school boards; a statewide
13 organization representing pediatricians; statewide
14 organizations representing individuals holding Illinois
15 educator licenses with school support personnel endorsements,
16 including school social workers, school psychologists, and
17 school nurses; a statewide organization representing
18 children's mental health experts; a statewide organization
19 representing school principals; the Director of Healthcare and
20 Family Services or his or her designee, the State
21 Superintendent of Education or his or her designee; and
22 representatives of other appropriate State agencies and, at a
23 minimum, must recommend the use of validated screening tools
24 appropriate to the child's age or grade, and, with regard to
25 the social and emotional screening, require recording only
26 whether or not the screening was completed. The rules shall

1 take into consideration the screening recommendations of the
2 American Academy of Pediatrics and must be consistent with the
3 State Board of Education's social and emotional learning
4 standards. The Department of Public Health shall specify that a
5 diabetes screening as defined by rule shall be included as a
6 required part of each health examination. Diabetes testing is
7 not required.

8 Physicians licensed to practice medicine in all of its
9 branches, licensed advanced practice nurses, or licensed
10 physician assistants shall be responsible for the performance
11 of the health examinations, other than dental examinations, eye
12 examinations, and vision and hearing screening, and shall sign
13 all report forms required by subsection (4) of this Section
14 that pertain to those portions of the health examination for
15 which the physician, advanced practice nurse, or physician
16 assistant is responsible. If a registered nurse performs any
17 part of a health examination, then a physician licensed to
18 practice medicine in all of its branches must review and sign
19 all required report forms. Licensed dentists shall perform all
20 dental examinations and shall sign all report forms required by
21 subsection (4) of this Section that pertain to the dental
22 examinations. Physicians licensed to practice medicine in all
23 its branches or licensed optometrists shall perform all eye
24 examinations required by this Section and shall sign all report
25 forms required by subsection (4) of this Section that pertain
26 to the eye examination. For purposes of this Section, an eye

1 examination shall at a minimum include history, visual acuity,
2 subjective refraction to best visual acuity near and far,
3 internal and external examination, and a glaucoma evaluation,
4 as well as any other tests or observations that in the
5 professional judgment of the doctor are necessary. Vision and
6 hearing screening tests, which shall not be considered
7 examinations as that term is used in this Section, shall be
8 conducted in accordance with rules and regulations of the
9 Department of Public Health, and by individuals whom the
10 Department of Public Health has certified. In these rules and
11 regulations, the Department of Public Health shall require that
12 individuals conducting vision screening tests give a child's
13 parent or guardian written notification, before the vision
14 screening is conducted, that states, "Vision screening is not a
15 substitute for a complete eye and vision evaluation by an eye
16 doctor. Your child is not required to undergo this vision
17 screening if an optometrist or ophthalmologist has completed
18 and signed a report form indicating that an examination has
19 been administered within the previous 12 months."

20 (2.5) With respect to the developmental screening and the
21 social and emotional screening portion of the health
22 examination, each child may present proof of having been
23 screened in accordance with this Section and the rules adopted
24 under this Section before October 15th of the school year. With
25 regard to the social and emotional screening only, the
26 examining health care provider shall only record whether or not

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

23 (3) Every child shall, at or about the same time as he or
24 she receives a health examination required by subsection (1) of
25 this Section, present to the local school proof of having
26 received such immunizations against preventable communicable

1 diseases as the Department of Public Health shall require by
2 rules and regulations promulgated pursuant to this Section and
3 the Communicable Disease Prevention Act.

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

24 (5) If a child does not submit proof of having had either
25 the health examination or the immunization as required, then
26 the child shall be examined or receive the immunization, as the

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

1 Section 26-1 and subject to any penalty imposed by Section
2 26-10. This subsection (5) does not apply to dental
3 examinations, eye examinations, and the developmental
4 screening and the social and emotional screening portions of
5 the health examination. If the student is an out-of-state
6 transfer student and does not have the proof required under
7 this subsection (5) before October 15 of the current year or
8 whatever date is set by the school district, then he or she may
9 only attend classes (i) if he or she has proof that an
10 appointment for the required vaccinations has been scheduled
11 with a party authorized to submit proof of the required
12 vaccinations. If the proof of vaccination required under this
13 subsection (5) is not submitted within 30 days after the
14 student is permitted to attend classes, then the student is not
15 to be permitted to attend classes until proof of the
16 vaccinations has been properly submitted. No school district or
17 employee of a school district shall be held liable for any
18 injury or illness to another person that results from admitting
19 an out-of-state transfer student to class that has an
20 appointment scheduled pursuant to this subsection (5).

21 (6) Every school shall report to the State Board of
22 Education by November 15, in the manner which that agency shall
23 require, the number of children who have received the necessary
24 immunizations and the health examination (other than a dental
25 examination or eye examination) as required, indicating, of
26 those who have not received the immunizations and examination

1 as required, the number of children who are exempt from health
2 examination and immunization requirements on religious or
3 medical grounds as provided in subsection (8). On or before
4 December 1 of each year, every public school district and
5 registered nonpublic school shall make publicly available the
6 immunization data they are required to submit to the State
7 Board of Education by November 15. The immunization data made
8 publicly available must be identical to the data the school
9 district or school has reported to the State Board of
10 Education.

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 dental
14 examination, indicating, of those who have not received the
15 required dental examination, the number of children who are
16 exempt from the dental examination on religious grounds as
17 provided in subsection (8) of this Section and the number of
18 children who have received a waiver under subsection (1.5) of
19 this Section.

20 Every school shall report to the State Board of Education
21 by June 30, in the manner that the State Board requires, the
22 number of children who have received the required eye
23 examination, indicating, of those who have not received the
24 required eye examination, the number of children who are exempt
25 from the eye examination as provided in subsection (8) of this
26 Section, the number of children who have received a waiver

1 under subsection (1.10) of this Section, and the total number
2 of children in noncompliance with the eye examination
3 requirement.

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

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

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

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

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

24 If the physical condition of the child is such that any one
25 or more of the immunizing agents should not be administered,
26 the examining physician, advanced practice nurse, or physician

1 assistant responsible for the performance of the health
2 examination shall endorse that fact upon the health examination
3 form.

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

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

12 (Source: P.A. 98-673, eff. 6-30-14; 99-173, eff. 7-29-15;
13 99-249, eff. 8-3-15; 99-642, eff. 7-28-16; 99-927, eff.
14 6-1-17.)

15 Section 10. The Illinois Health Statistics Act is amended
16 by changing Section 4 as follows:

17 (410 ILCS 520/4) (from Ch. 111 1/2, par. 5604)

18 Sec. 4. (a) In carrying out the purposes of this Act, the
19 Department may:

20 (1) Collect and maintain health data on:

21 (i) The extent, nature, and impact of illness,
22 including factors relating to asthma, obesity, and
23 disability on the population of the State;

24 (ii) The determinants of health and health hazards

1 including asthma and obesity;
2 (iii) Health resources, including the extent of
3 available manpower and resources;
4 (iv) Utilization of health care;
5 (v) Health care costs and financing;
6 (vi) Other health or health-related matters; and
7 (vii) The connection between the long-term effects
8 of childhood cancer and the original cancer diagnosis
9 and treatment.

10 (2) Undertake and support research, demonstrations,
11 and evaluations respecting new or improved methods for
12 obtaining current data on the matters referred to in
13 subparagraph (1).

14 (b) The Department may collect health data under authority
15 granted by any unit of local government and on behalf of other
16 governmental or not-for-profit organizations, including data
17 collected by local schools and the State Board of Education
18 relating to asthma and obesity on the health examination form
19 required pursuant to Section 27-8.1 of the School Code. The
20 data shall be de-identified and aggregated pursuant to rules
21 promulgated by the Department to prevent disclosure of personal
22 identifying information.

23 (c) The Department shall collect data only on a voluntary
24 basis from individuals and organizations, except when there is
25 specific legal authority to compel the mandatory reporting of
26 the health data so requested. In making any collection of

1 health data from an individual or organization the Department
2 must give to such individual or organization a written
3 statement which states:

4 (1) Whether the individual or organization is required
5 to respond, and any sanctions for noncompliance;

6 (2) The purposes for which the health data are being
7 collected; and

8 (3) In the case of any disclosure of identifiable
9 health data for other than research and statistical
10 purposes, the items to be disclosed, to whom the data are
11 to be disclosed and the purposes for which the data are to
12 be disclosed.

13 (d) Except as provided in Section 5, no health data
14 obtained in the course of activities undertaken or supported
15 under this Act may be used for any purpose other than the
16 purpose for which they were supplied or for which the
17 individual or organization described in the data has otherwise
18 consented.

19 (e) The Department shall take such actions as may be
20 necessary to assure that statistics developed under this Act
21 are of high quality, timely, comprehensive, as well as
22 specific, standardized and adequately analyzed and indexed.

23 (f) The Department shall take such action as is appropriate
24 to effect the coordination of health data activities, including
25 health data specifically relating to obesity collected
26 pursuant to Section 27-8.1 of the School Code, within the State

1 to eliminate unnecessary duplication of data collection and
2 maximize the usefulness of data collected.

3 (g) The Department shall (1) participate with state, local
4 and federal agencies in the design and implementation of a
5 cooperative system for producing comparable and uniform health
6 information and statistics at the federal, state, and local
7 levels; and (2) undertake and support research, development,
8 demonstrations, and evaluations respecting such cooperative
9 system.

10 (Source: P.A. 98-891, eff. 1-1-15.)

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.