



Rep. Robyn Gabel

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LRB099 10035 NHT 32142 a

1 AMENDMENT TO HOUSE BILL 2560

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2560 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 the  
18 collection of data relating to obesity (including at a minimum,  
19 date of birth, gender, height, weight, blood pressure, and date  
20 of exam), and a dental examination and may recommend by rule  
21 that certain additional examinations be performed. The rules  
22 and regulations of the Department of Public Health shall  
23 specify that a tuberculosis skin test screening shall be  
24 included as a required part of each health examination included  
25 under this Section if the child resides in an area designated  
26 by the Department of Public Health as having a high incidence

1 of tuberculosis. The Department of Public Health shall specify  
2 that a diabetes screening as defined by rule shall be included  
3 as a required part of each health examination. Diabetes testing  
4 is not required.

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

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

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

1 the Communicable Disease Prevention Act.

2 (4) The individuals conducting the health examination,  
3 dental examination, or eye examination shall record the fact of  
4 having conducted the examination, and such additional  
5 information as required, including for a health examination  
6 data relating to obesity (including at a minimum, date of  
7 birth, gender, height, weight, blood pressure, and date of  
8 exam), on uniform forms which the Department of Public Health  
9 and the State Board of Education shall prescribe for statewide  
10 use. The examiner shall summarize on the report form any  
11 condition that he or she suspects indicates a need for special  
12 services, including for a health examination factors relating  
13 to obesity. The individuals confirming the administration of  
14 required immunizations shall record as indicated on the form  
15 that the immunizations were administered.

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

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



1     been scheduled with a party authorized to submit proof of the  
2     required vaccinations. If the proof of vaccination required  
3     under this subsection (5) is not submitted within 30 days after  
4     the student is permitted to attend classes, then the student is  
5     not to be permitted to attend classes until proof of the  
6     vaccinations has been properly submitted. No school district or  
7     employee of a school district shall be held liable for any  
8     injury or illness to another person that results from admitting  
9     an out-of-state transfer student to class that has an  
10    appointment scheduled pursuant to this subsection (5).

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

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

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

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

23          (7) Upon determining that the number of pupils who are  
24 required to be in compliance with subsection (5) of this  
25 Section is below 90% of the number of pupils enrolled in the  
26 school district, 10% of each State aid payment made pursuant to

1 Section 18-8.05 to the school district for such year may be  
2 withheld by the State Board of Education until the number of  
3 students in compliance with subsection (5) is the applicable  
4 specified percentage or higher.

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

1 Religious Exemption shall be created by the Department of  
2 Public Health and shall be made available and used by parents  
3 and legal guardians by the beginning of the 2015-2016 school  
4 year. Parents or legal guardians must submit the Certificate of  
5 Religious Exemption to their local school authority annually  
6 for each child for which they are requesting an exemption. The  
7 religious objection stated need not be directed by the tenets  
8 of an established religious organization. However, general  
9 philosophical or moral reluctance to allow physical  
10 examinations, eye examinations, immunizations, vision and  
11 hearing screenings, or dental examinations does not provide a  
12 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. Parents or legal  
20 guardians who object to health, dental, or eye examinations or  
21 any part thereof, or to immunizations, on religious grounds  
22 shall not be required to submit their children or wards to the  
23 examinations or immunizations to which they so object if such  
24 parents or legal guardians present to the appropriate local  
25 school authority a signed statement of objection, detailing the  
26 grounds for the objection.

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

7           Exempting a child from the health, dental, or eye  
8 examination does not exempt the child from participation in the  
9 program of physical education training provided in Sections  
10 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.)

17           Section 99. Effective date. This Act takes effect upon  
18 becoming law."