



Sen. John G. Mulroe

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LRB099 09018 SXM 32668 a

1 AMENDMENT TO SENATE BILL 1410

2 AMENDMENT NO. _____. Amend Senate Bill 1410 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."