



Rep. Camille Y. Lilly

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LRB099 06196 NHT 33207 a

1 AMENDMENT TO HOUSE BILL 1493

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1493 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 mental health examination and the collection of data relating  
19 to obesity (including at a minimum, date of birth, gender,  
20 height, weight, blood pressure, and date of exam), and a dental  
21 examination and may recommend by rule that certain additional  
22 examinations be performed. The rules and regulations of the  
23 Department of Public Health shall specify that a tuberculosis  
24 skin test screening shall be included as a required part of  
25 each health examination included under this Section if the  
26 child resides in an area designated by the Department of Public

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

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

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

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

1 rules and regulations promulgated pursuant to this Section and  
2 the Communicable Disease Prevention Act.

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

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

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



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

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

1 Education.

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

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 eye  
14 examination, indicating, of those who have not received the  
15 required eye examination, the number of children who are exempt  
16 from the eye examination as provided in subsection (8) of this  
17 Section, the number of children who have received a waiver  
18 under subsection (1.10) of this Section, and the total number  
19 of children in noncompliance with the eye examination  
20 requirement.

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

24 (7) Upon determining that the number of pupils who are  
25 required to be in compliance with subsection (5) of this  
26 Section is below 90% of the number of pupils enrolled in the

1 school district, 10% of each State aid payment made pursuant to  
2 Section 18-8.05 to the school district for such year may be  
3 withheld by the State Board of Education until the number of  
4 students in compliance with subsection (5) is the applicable  
5 specified percentage or higher.

6 (8) Parents or legal guardians who object to health,  
7 dental, or eye examinations or any part thereof, or to  
8 immunizations, on religious grounds shall not be required to  
9 submit their children or wards to the examinations or  
10 immunizations to which they so object if such parents or legal  
11 guardians present to the appropriate local school authority a  
12 signed statement of objection, detailing the grounds for the  
13 objection. If the physical condition of the child is such that  
14 any one or more of the immunizing agents should not be  
15 administered, the examining physician, advanced practice  
16 nurse, or physician assistant responsible for the performance  
17 of the health examination shall endorse that fact upon the  
18 health examination form. Exempting a child from the health,  
19 dental, or eye examination does not exempt the child from  
20 participation in the program of physical education training  
21 provided in Sections 27-5 through 27-7 of this Code.

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

26 (Source: P.A. 97-216, eff. 1-1-12; 97-910, eff. 1-1-13; 98-673,

1 eff. 6-30-14.)".