

HB5911



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5911

by Rep. Anna Moeller

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-8.1

from Ch. 122, par. 27-8.1

Amends the School Code. Sets forth additional information that a school must report to the State Board of Education with respect to children receiving a required dental examination.

LRB099 17635 MLM 41993 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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 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,
17 immediately prior to or upon entrance into any public, private,
18 or parochial school or nursery school, each child shall present
19 proof of having been examined in accordance with this Section
20 and the rules and regulations promulgated hereunder. Any child
21 who received a health examination within one year prior to
22 entering the fifth grade for the 2007-2008 school year is not
23 required to receive an additional health examination in order

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

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

14 (1.5) In compliance with rules adopted by the Department of
15 Public Health and except as otherwise provided in this Section,
16 all children in kindergarten and the second and sixth grades of
17 any public, private, or parochial school shall have a dental
18 examination. Each of these children shall present proof of
19 having been examined by a dentist in accordance with this
20 Section and rules adopted under this Section before May 15th of
21 the school year. If a child in the second or sixth grade fails
22 to present proof by May 15th, the school may hold the child's
23 report card until one of the following occurs: (i) the child
24 presents proof of a completed dental examination or (ii) the
25 child presents proof that a dental examination will take place
26 within 60 days after May 15th. The Department of Public Health

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

6 (1.10) Except as otherwise provided in this Section, all
7 children enrolling in kindergarten in a public, private, or
8 parochial school on or after the effective date of this
9 amendatory Act of the 95th General Assembly and any student
10 enrolling for the first time in a public, private, or parochial
11 school on or after the effective date of this amendatory Act of
12 the 95th General Assembly shall have an eye examination. Each
13 of these children shall present proof of having been examined
14 by a physician licensed to practice medicine in all of its
15 branches or a licensed optometrist within the previous year, in
16 accordance with this Section and rules adopted under this
17 Section, before October 15th of the school year. If the child
18 fails to present proof by October 15th, the school may hold the
19 child's report card until one of the following occurs: (i) the
20 child presents proof of a completed eye examination or (ii) the
21 child presents proof that an eye examination will take place
22 within 60 days after October 15th. The Department of Public
23 Health shall establish, by rule, a waiver for children who show
24 an undue burden or a lack of access to a physician licensed to
25 practice medicine in all of its branches who provides eye
26 examinations or to a licensed optometrist. Each public,

1 private, and parochial school must give notice of this eye
2 examination requirement to the parents and guardians of
3 students in compliance with rules of the Department of Public
4 Health. Nothing in this Section shall be construed to allow a
5 school to exclude a child from attending because of a parent's
6 or guardian's failure to obtain an eye examination for the
7 child.

8 (2) The Department of Public Health shall promulgate rules
9 and regulations specifying the examinations and procedures
10 that constitute a health examination, which shall include the
11 collection of data relating to obesity (including at a minimum,
12 date of birth, gender, height, weight, blood pressure, and date
13 of exam), and a dental examination and may recommend by rule
14 that certain additional examinations be performed. The rules
15 and regulations of the Department of Public Health shall
16 specify that a tuberculosis skin test screening shall be
17 included as a required part of each health examination included
18 under this Section if the child resides in an area designated
19 by the Department of Public Health as having a high incidence
20 of tuberculosis. The Department of Public Health shall specify
21 that a diabetes screening as defined by rule shall be included
22 as a required part of each health examination. Diabetes testing
23 is not required.

24 Physicians licensed to practice medicine in all of its
25 branches, licensed advanced practice nurses, or licensed
26 physician assistants shall be responsible for the performance

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

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

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

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

1 services, including for a health examination factors relating
2 to obesity. The individuals confirming the administration of
3 required immunizations shall record as indicated on the form
4 that the immunizations were administered.

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

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

26 (6) Every school shall report to the State Board of

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

16 Every school shall report to the State Board of Education
17 by June 30, in the manner that the State Board requires, the
18 number of children enrolled and the number of children who have
19 received the required dental examination, indicating, of those
20 children, the number with or without dental sealants, with or
21 without dental caries experience, and with or without untreated
22 decay and the number of children with urgent dental treatment
23 needs. Of those children who have not received the required
24 dental examination, the school shall report the number of
25 children who have not received the required dental examination,
26 indicating, of those children, the number of students with

1 scheduled appointments, the number of children who are exempt
2 from the dental examination on medical or disability grounds or
3 on religious grounds as provided in subsection (8) of this
4 Section, and the number of children who have received a waiver
5 under subsection (1.5) of this Section.

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

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

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

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

1 provided with the relevant vaccine information statements that
2 are required to be disseminated by the federal National
3 Childhood Vaccine Injury Act of 1986, which may contain
4 information on circumstances when a vaccine should not be
5 administered, prior to administering a vaccine. A healthcare
6 provider may consider including without limitation the
7 nationally accepted recommendations from federal agencies such
8 as the Advisory Committee on Immunization Practices, the
9 information outlined in the relevant vaccine information
10 statement, and vaccine package inserts, along with the
11 healthcare provider's clinical judgment, to determine whether
12 any child may be more susceptible to experiencing an adverse
13 vaccine reaction than the general population, and, if so, the
14 healthcare provider may exempt the child from an immunization
15 or adopt an individualized immunization schedule. The
16 Certificate of Religious Exemption shall be created by the
17 Department of Public Health and shall be made available and
18 used by parents and legal guardians by the beginning of the
19 2015-2016 school year. Parents or legal guardians must submit
20 the Certificate of Religious Exemption to their local school
21 authority prior to entering kindergarten, sixth grade, and
22 ninth grade for each child for which they are requesting an
23 exemption. The religious objection stated need not be directed
24 by the tenets of an established religious organization.
25 However, general philosophical or moral reluctance to allow
26 physical examinations, eye examinations, immunizations, vision

1 and hearing screenings, or dental examinations does not provide
2 a sufficient basis for an exception to statutory requirements.
3 The local school authority is responsible for determining if
4 the content of the Certificate of Religious Exemption
5 constitutes a valid religious objection. The local school
6 authority shall inform the parent or legal guardian of
7 exclusion procedures, in accordance with the Department's
8 rules under Part 690 of Title 77 of the Illinois Administrative
9 Code, at the time the objection is presented.

10 If the physical condition of the child is such that any one
11 or more of the immunizing agents should not be administered,
12 the examining physician, advanced practice nurse, or physician
13 assistant responsible for the performance of the health
14 examination shall endorse that fact upon the health examination
15 form.

16 Exempting a child from the health, dental, or eye
17 examination does not exempt the child from participation in the
18 program of physical education training provided in Sections
19 27-5 through 27-7 of this Code.

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

24 (Source: P.A. 98-673, eff. 6-30-14; 99-173, eff. 7-29-15;
25 99-249, eff. 8-3-15; revised 10-21-15.)