



Sen. Kimberly A. Lightford

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1 AMENDMENT TO SENATE BILL 565

2 AMENDMENT NO. _____. Amend Senate Bill 565 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 developmental screening for children under the age of 19 years,
19 social and emotional screening, and the collection of data
20 relating to obesity (including at a minimum, date of birth,
21 gender, height, weight, blood pressure, and date of exam), and
22 a dental examination and may recommend by rule that certain
23 additional examinations be performed. The rules and
24 regulations of the Department of Public Health shall specify
25 that a tuberculosis skin test screening shall be included as a
26 required part of each health examination included under this

1 Section if the child resides in an area designated by the
2 Department of Public Health as having a high incidence of
3 tuberculosis. With respect to social and emotional screening,
4 the rules must be developed in conjunction with a statewide
5 organization representing school boards, a statewide
6 organization representing pediatricians, and a statewide
7 organization representing children's mental health experts
8 and, at a minimum, recommend the use of a validated screening
9 tool such as the Ages and Stages Social-Emotional Questionnaire
10 or the Pediatric Symptom Checklist or another validated
11 screening tool as recommended by the American Academy of
12 Pediatrics. The rules shall provide that social and emotional
13 screenings are not intended to replace or duplicate health care
14 systems conducting screening and anticipatory guidance
15 consistent with recommendations of the American Academy of
16 Pediatrics and must be consistent with the State Board of
17 Education's social and emotional learning standards. The
18 Department of Public Health shall specify that a diabetes
19 screening as defined by rule shall be included as a required
20 part of each health examination. Diabetes testing is not
21 required.

22 Physicians licensed to practice medicine in all of its
23 branches, licensed advanced practice nurses, or licensed
24 physician assistants shall be responsible for the performance
25 of the health examinations, other than dental examinations, eye
26 examinations, and vision and hearing screening, and shall sign

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

1 parent or guardian written notification, before the vision
2 screening is conducted, that states, "Vision screening is not a
3 substitute for a complete eye and vision evaluation by an eye
4 doctor. Your child is not required to undergo this vision
5 screening if an optometrist or ophthalmologist has completed
6 and signed a report form indicating that an examination has
7 been administered within the previous 12 months."

8 (2.5) With respect to the social and emotional screening
9 portion of the health examination, each child shall present
10 proof of having been examined by a physician licensed to
11 practice medicine in all of its branches or a licensed
12 psychologist within the previous year, in accordance with this
13 Section and rules adopted under this Section, before October
14 15th of the school year. If the child fails to present proof of
15 the social and emotional screening portion of the health
16 examination by October 15th, the school may hold the child's
17 report card until one of the following occurs: (i) the child
18 presents proof of a completed social and emotional screening or
19 (ii) the child presents proof that a social and emotional
20 screening will take place within 60 days after October 15th.
21 The Department of Public Health shall establish, by rule, a
22 waiver for children who show an undue burden or a lack of
23 access to a physician licensed to practice medicine in all of
24 its branches who provides social and emotional screenings or to
25 a licensed psychologist. Each public, private, and parochial
26 school must give notice of this social and emotional screening

1 requirement to the parents and guardians of students in
2 compliance with rules of the Department of Public Health.
3 Nothing in this Section shall be construed to allow a school to
4 exclude a child from attending because of a parent's or
5 guardian's failure to obtain a social and emotional screening
6 for the child.

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

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

1 policies governing health care confidentiality. The
2 individuals confirming the administration of required
3 immunizations shall record as indicated on the form that the
4 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, or the social and emotional
11 screening portion of the health examination. If the student is
12 an 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; revised 10-21-15.)".