



Sen. Kimberly A. Lightford

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1 AMENDMENT TO SENATE BILL 565

2 AMENDMENT NO. _____. Amend Senate Bill 565, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Section
6 27-8.1 as follows:

7 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

8 Sec. 27-8.1. Health examinations and immunizations.

9 (1) In compliance with rules and regulations which the
10 Department of Public Health shall promulgate, and except as
11 hereinafter provided, all children in Illinois shall have a
12 health examination as follows: within one year prior to
13 entering kindergarten or the first grade of any public,
14 private, or parochial elementary school; upon entering the
15 sixth and ninth grades of any public, private, or parochial
16 school; prior to entrance into any public, private, or

1 parochial nursery school; and, irrespective of grade,
2 immediately prior to or upon entrance into any public, private,
3 or parochial school or nursery school, each child shall present
4 proof of having been examined in accordance with this Section
5 and the rules and regulations promulgated hereunder. Any child
6 who received a health examination within one year prior to
7 entering the fifth grade for the 2007-2008 school year is not
8 required to receive an additional health examination in order
9 to comply with the provisions of Public Act 95-422 when he or
10 she attends school for the 2008-2009 school year, unless the
11 child is attending school for the first time as provided in
12 this paragraph.

13 A tuberculosis skin test screening shall be included as a
14 required part of each health examination included under this
15 Section if the child resides in an area designated by the
16 Department of Public Health as having a high incidence of
17 tuberculosis. Additional health examinations of pupils,
18 including eye examinations, may be required when deemed
19 necessary by school authorities. Parents are encouraged to have
20 their children undergo eye examinations at the same points in
21 time required for health examinations.

22 (1.5) In compliance with rules adopted by the Department of
23 Public Health and except as otherwise provided in this Section,
24 all children in kindergarten and the second and sixth grades of
25 any public, private, or parochial school shall have a dental
26 examination. Each of these children shall present proof of

1 having been examined by a dentist in accordance with this
2 Section and rules adopted under this Section before May 15th of
3 the school year. If a child in the second or sixth grade fails
4 to present proof by May 15th, the school may hold the child's
5 report card until one of the following occurs: (i) the child
6 presents proof of a completed dental examination or (ii) the
7 child presents proof that a dental examination will take place
8 within 60 days after May 15th. The Department of Public Health
9 shall establish, by rule, a waiver for children who show an
10 undue burden or a lack of access to a dentist. Each public,
11 private, and parochial school must give notice of this dental
12 examination requirement to the parents and guardians of
13 students at least 60 days before May 15th of each school year.

14 (1.10) Except as otherwise provided in this Section, all
15 children enrolling in kindergarten in a public, private, or
16 parochial school on or after the effective date of this
17 amendatory Act of the 95th General Assembly and any student
18 enrolling for the first time in a public, private, or parochial
19 school on or after the effective date of this amendatory Act of
20 the 95th General Assembly shall have an eye examination. Each
21 of these children shall present proof of having been examined
22 by a physician licensed to practice medicine in all of its
23 branches or a licensed optometrist within the previous year, in
24 accordance with this Section and rules adopted under this
25 Section, before October 15th of the school year. If the child
26 fails to present proof by October 15th, the school may hold the

1 child's report card until one of the following occurs: (i) the
2 child presents proof of a completed eye examination or (ii) the
3 child presents proof that an eye examination will take place
4 within 60 days after October 15th. The Department of Public
5 Health shall establish, by rule, a waiver for children who show
6 an undue burden or a lack of access to a physician licensed to
7 practice medicine in all of its branches who provides eye
8 examinations or to a licensed optometrist. Each public,
9 private, and parochial school must give notice of this eye
10 examination requirement to the parents and guardians of
11 students in compliance with rules of the Department of Public
12 Health. Nothing in this Section shall be construed to allow a
13 school to exclude a child from attending because of a parent's
14 or guardian's failure to obtain an eye examination for the
15 child.

16 (2) The Department of Public Health shall promulgate rules
17 and regulations specifying the examinations and procedures
18 that constitute a health examination, which shall include a
19 developmental screening for children under the age of 19 years,
20 social and emotional screening developed in conjunction with an
21 organization representing school districts, and the collection
22 of data relating to obesity (including at a minimum, date of
23 birth, gender, height, weight, blood pressure, and date of
24 exam), and a dental examination and may recommend by rule that
25 certain additional examinations be performed. The rules and
26 regulations of the Department of Public Health shall specify

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

20 Physicians licensed to practice medicine in all of its
21 branches, advanced practice nurses who have a written
22 collaborative agreement with a collaborating physician which
23 authorizes them to perform health examinations, or physician
24 assistants who have been delegated the performance of health
25 examinations by their supervising physician shall be
26 responsible for the performance of the health examinations,

1 other than dental examinations, eye examinations, and vision
2 and hearing screening, and shall sign all report forms required
3 by subsection (4) of this Section that pertain to those
4 portions of the health examination for which the physician,
5 advanced practice nurse, or physician assistant is
6 responsible. If a registered nurse performs any part of a
7 health examination, then a physician licensed to practice
8 medicine in all of its branches must review and sign all
9 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. Regarding social and emotional functioning,
3 information must be shared in a manner consistent with laws and
4 policies governing healthcare confidentiality. The individuals
5 confirming the administration of required immunizations shall
6 record as indicated on the form that the immunizations were
7 administered.

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

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

1 an out-of-state transfer student to class that has an
2 appointment scheduled pursuant to this subsection (5).

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

19 Every school shall report to the State Board of Education
20 by June 30, in the manner that the State Board requires, the
21 number of children who have received the required dental
22 examination, indicating, of those who have not received the
23 required dental examination, the number of children who are
24 exempt from the dental examination on religious grounds as
25 provided in subsection (8) of this Section and the number of
26 children who have received a waiver under subsection (1.5) of

1 this Section.

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 eye
5 examination, indicating, of those who have not received the
6 required eye examination, the number of children who are exempt
7 from the eye examination as provided in subsection (8) of this
8 Section, the number of children who have received a waiver
9 under subsection (1.10) of this Section, and the total number
10 of children in noncompliance with the eye examination
11 requirement.

12 The reported information under this subsection (6) shall be
13 provided to the Department of Public Health by the State Board
14 of Education.

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

23 (8) Parents or legal guardians who object to health,
24 dental, or eye examinations or any part thereof, or to
25 immunizations, on religious grounds shall not be required to
26 submit their children or wards to the examinations or

1 immunizations to which they so object if such parents or legal
2 guardians present to the appropriate local school authority a
3 signed statement of objection, detailing the grounds for the
4 objection. If the physical condition of the child is such that
5 any one or more of the immunizing agents should not be
6 administered, the examining physician, advanced practice
7 nurse, or physician assistant responsible for the performance
8 of the health examination shall endorse that fact upon the
9 health examination form. Exempting a child from the health,
10 dental, or eye examination does not exempt the child from
11 participation in the program of physical education training
12 provided in Sections 27-5 through 27-7 of this Code.

13 (9) For the purposes of this Section, "nursery schools"
14 means those nursery schools operated by elementary school
15 systems or secondary level school units or institutions of
16 higher learning.

17 (Source: P.A. 97-216, eff. 1-1-12; 97-910, eff. 1-1-13; 98-673,
18 eff. 6-30-14.)".