



Sen. Mattie Hunter

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1 AMENDMENT TO SENATE BILL 2654

2 AMENDMENT NO. _____. Amend Senate Bill 2654 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by changing Section 2310-391 and by adding Section
7 2310-700 as follows:

8 (20 ILCS 2310/2310-391)

9 Sec. 2310-391. Meningitis; educational materials. The
10 Department shall develop educational materials on meningitis
11 for distribution in elementary and secondary schools. In
12 addition, the Department shall comply with Section 2310-700 of
13 this Law.

14 (Source: P.A. 94-769, eff. 5-12-06.)

15 (20 ILCS 2310/2310-700 new)

1 Sec. 2310-700. Influenza and meningococcal disease and
2 vaccine information; school districts. The Department shall
3 develop or approve and shall publish informational materials
4 for school districts in this State regarding influenza and
5 influenza vaccinations and meningococcal disease and
6 meningococcal vaccinations in accordance with the latest
7 recommendations of the Advisory Committee on Immunization
8 Practices of the Centers for Disease Control and Prevention.

9 Section 10. The School Code is amended by changing Section
10 27-8.1 as follows:

11 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

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

13 (1) In compliance with rules and regulations which the
14 Department of Public Health shall promulgate, and except as
15 hereinafter provided, all children in Illinois shall have a
16 health examination as follows: within one year prior to
17 entering kindergarten or the first grade of any public,
18 private, or parochial elementary school; upon entering the
19 sixth and ninth grades of any public, private, or parochial
20 school; prior to entrance into any public, private, or
21 parochial nursery school; and, irrespective of grade,
22 immediately prior to or upon entrance into any public, private,
23 or parochial school or nursery school, each child shall present
24 proof of having been examined in accordance with this Section

1 and the rules and regulations promulgated hereunder. Any child
2 who received a health examination within one year prior to
3 entering the fifth grade for the 2007-2008 school year is not
4 required to receive an additional health examination in order
5 to comply with the provisions of Public Act 95-422 when he or
6 she attends school for the 2008-2009 school year, unless the
7 child is attending school for the first time as provided in
8 this paragraph.

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

18 (1.5) In compliance with rules adopted by the Department of
19 Public Health and except as otherwise provided in this Section,
20 all children in kindergarten and the second and sixth grades of
21 any public, private, or parochial school shall have a dental
22 examination. Each of these children shall present proof of
23 having been examined by a dentist in accordance with this
24 Section and rules adopted under this Section before May 15th of
25 the school year. If a child in the second or sixth grade fails
26 to present proof by May 15th, the school may hold the child's

1 report card until one of the following occurs: (i) the child
2 presents proof of a completed dental examination or (ii) the
3 child presents proof that a dental examination will take place
4 within 60 days after May 15th. The Department of Public Health
5 shall establish, by rule, a waiver for children who show an
6 undue burden or a lack of access to a dentist. Each public,
7 private, and parochial school must give notice of this dental
8 examination requirement to the parents and guardians of
9 students at least 60 days before May 15th of each school year.

10 (1.10) Except as otherwise provided in this Section, all
11 children enrolling in kindergarten in a public, private, or
12 parochial school on or after January 1, 2008 (the effective
13 date of Public Act 95-671) ~~this amendatory Act of the 95th~~
14 ~~General Assembly~~ and any student enrolling for the first time
15 in a public, private, or parochial school on or after January
16 1, 2008 (the effective date of Public Act 95-671) ~~this~~
17 ~~amendatory Act of the 95th General Assembly~~ shall have an eye
18 examination. Each of these children shall present proof of
19 having been examined by a physician licensed to practice
20 medicine in all of its branches or a licensed optometrist
21 within the previous year, in accordance with this Section and
22 rules adopted under this Section, before October 15th of the
23 school year. If the child fails to present proof by October
24 15th, the school may hold the child's report card until one of
25 the following occurs: (i) the child presents proof of a
26 completed eye examination or (ii) the child presents proof that

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

13 (2) The Department of Public Health shall promulgate rules
14 and regulations specifying the examinations and procedures
15 that constitute a health examination, which shall include an
16 age-appropriate developmental screening, an age-appropriate
17 social and emotional screening, and the collection of data
18 relating to asthma and obesity (including at a minimum, date of
19 birth, gender, height, weight, blood pressure, and date of
20 exam), and a dental examination and may recommend by rule that
21 certain additional examinations be performed. The rules and
22 regulations of the Department of Public Health shall specify
23 that a tuberculosis skin test screening shall be included as a
24 required part of each health examination included under this
25 Section if the child resides in an area designated by the
26 Department of Public Health as having a high incidence of

1 tuberculosis. With respect to the developmental screening and
2 the social and emotional screening, the Department of Public
3 Health must develop rules and appropriate revisions to the
4 Child Health Examination form in conjunction with a statewide
5 organization representing school boards; a statewide
6 organization representing pediatricians; statewide
7 organizations representing individuals holding Illinois
8 educator licenses with school support personnel endorsements,
9 including school social workers, school psychologists, and
10 school nurses; a statewide organization representing
11 children's mental health experts; a statewide organization
12 representing school principals; the Director of Healthcare and
13 Family Services or his or her designee, the State
14 Superintendent of Education or his or her designee; and
15 representatives of other appropriate State agencies and, at a
16 minimum, must recommend the use of validated screening tools
17 appropriate to the child's age or grade, and, with regard to
18 the social and emotional screening, require recording only
19 whether or not the screening was completed. The rules shall
20 take into consideration the screening recommendations of the
21 American Academy of Pediatrics and must be consistent with the
22 State Board of Education's social and emotional learning
23 standards. The Department of Public Health shall specify that a
24 diabetes screening as defined by rule shall be included as a
25 required part of each health examination. Diabetes testing is
26 not required.

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

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

14 (2.5) With respect to the developmental screening and the
15 social and emotional screening portion of the health
16 examination, each child may present proof of having been
17 screened in accordance with this Section and the rules adopted
18 under this Section before October 15th of the school year. With
19 regard to the social and emotional screening only, the
20 examining health care provider shall only record whether or not
21 the screening was completed. If the child fails to present
22 proof of the developmental screening or the social and
23 emotional screening portions of the health examination by
24 October 15th of the school year, qualified school support
25 personnel may, with a parent's or guardian's consent, offer the
26 developmental screening or the social and emotional screening

1 to the child. Each public, private, and parochial school must
2 give notice of the developmental screening and social and
3 emotional screening requirements to the parents and guardians
4 of students in compliance with the rules of the Department of
5 Public Health. Nothing in this Section shall be construed to
6 allow a school to exclude a child from attending because of a
7 parent's or guardian's failure to obtain a developmental
8 screening or a social and emotional screening for the child.
9 Once a developmental screening or a social and emotional
10 screening is completed and proof has been presented to the
11 school, the school may, with a parent's or guardian's consent,
12 make available appropriate school personnel to work with the
13 parent or guardian, the child, and the provider who signed the
14 screening form to obtain any appropriate evaluations and
15 services as indicated on the form and in other information and
16 documentation provided by the parents, guardians, or provider.

17 (3) Every child shall, at or about the same time as he or
18 she receives a health examination required by subsection (1) of
19 this Section, present to the local school proof of having
20 received such immunizations against preventable communicable
21 diseases as the Department of Public Health shall require by
22 rules and regulations promulgated pursuant to this Section and
23 the Communicable Disease Prevention Act.

24 (4) The individuals conducting the health examination,
25 dental examination, or eye examination shall record the fact of
26 having conducted the examination, and such additional

1 information as required, including for a health examination
2 data relating to asthma and obesity (including at a minimum,
3 date of birth, gender, height, weight, blood pressure, and date
4 of exam), on uniform forms which the Department of Public
5 Health and the State Board of Education shall prescribe for
6 statewide use. The examiner shall summarize on the report form
7 any condition that he or she suspects indicates a need for
8 special services, including for a health examination factors
9 relating to asthma or obesity. The duty to summarize on the
10 report form does not apply to social and emotional screenings.
11 The confidentiality of the information and records relating to
12 the developmental screening and the social and emotional
13 screening shall be determined by the statutes, rules, and
14 professional ethics governing the type of provider conducting
15 the screening. The individuals confirming the administration
16 of required immunizations shall record as indicated on the form
17 that the immunizations were administered.

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

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

1 have the proof required under this subsection (5) before
2 October 15 of the current year or whatever date is set by the
3 school district, then he or she may only attend classes (i) if
4 he or she has proof that an appointment for the required
5 vaccinations has been scheduled with a party authorized to
6 submit proof of the required vaccinations. If the proof of
7 vaccination required under this subsection (5) is not submitted
8 within 30 days after the student is permitted to attend
9 classes, then the student is not to be permitted to attend
10 classes until proof of the vaccinations has been properly
11 submitted. No school district or employee of a school district
12 shall be held liable for any injury or illness to another
13 person that results from admitting an out-of-state transfer
14 student to class that has an appointment scheduled pursuant to
15 this subsection (5).

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

1 immunization data they are required to submit to the State
2 Board of Education by November 15. The immunization data made
3 publicly available must be identical to the data the school
4 district or school has reported to the State Board of
5 Education.

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 dental
9 examination, indicating, of those who have not received the
10 required dental examination, the number of children who are
11 exempt from the dental examination on religious grounds as
12 provided in subsection (8) of this Section and the number of
13 children who have received a waiver under subsection (1.5) of
14 this Section.

15 Every school shall report to the State Board of Education
16 by June 30, in the manner that the State Board requires, the
17 number of children who have received the required eye
18 examination, indicating, of those who have not received the
19 required eye examination, the number of children who are exempt
20 from the eye examination as provided in subsection (8) of this
21 Section, the number of children who have received a waiver
22 under subsection (1.10) of this Section, and the total number
23 of children in noncompliance with the eye examination
24 requirement.

25 The reported information under this subsection (6) shall be
26 provided to the Department of Public Health by the State Board

1 of Education.

2 (7) Upon determining that the number of pupils who are
3 required to be in compliance with subsection (5) of this
4 Section is below 90% of the number of pupils enrolled in the
5 school district, 10% of each State aid payment made pursuant to
6 Section 18-8.05 or 18-8.15 to the school district for such year
7 may be withheld by the State Board of Education until the
8 number of students in compliance with subsection (5) is the
9 applicable specified percentage or higher.

10 (8) Children of parents or legal guardians who object to
11 health, dental, or eye examinations or any part thereof, to
12 immunizations, or to vision and hearing screening tests on
13 religious grounds shall not be required to undergo the
14 examinations, tests, or immunizations to which they so object
15 if such parents or legal guardians present to the appropriate
16 local school authority a signed Certificate of Religious
17 Exemption detailing the grounds for objection and the specific
18 immunizations, tests, or examinations to which they object. The
19 grounds for objection must set forth the specific religious
20 belief that conflicts with the examination, test,
21 immunization, or other medical intervention. The signed
22 certificate shall also reflect the parent's or legal guardian's
23 understanding of the school's exclusion policies in the case of
24 a vaccine-preventable disease outbreak or exposure. The
25 certificate must also be signed by the authorized examining
26 health care provider responsible for the performance of the

1 child's health examination confirming that the provider
2 provided education to the parent or legal guardian on the
3 benefits of immunization and the health risks to the student
4 and to the community of the communicable diseases for which
5 immunization is required in this State. However, the health
6 care provider's signature on the certificate reflects only that
7 education was provided and does not allow a health care
8 provider grounds to determine a religious exemption. Those
9 receiving immunizations required under this Code shall be
10 provided with the relevant vaccine information statements that
11 are required to be disseminated by the federal National
12 Childhood Vaccine Injury Act of 1986, which may contain
13 information on circumstances when a vaccine should not be
14 administered, prior to administering a vaccine. A healthcare
15 provider may consider including without limitation the
16 nationally accepted recommendations from federal agencies such
17 as the Advisory Committee on Immunization Practices, the
18 information outlined in the relevant vaccine information
19 statement, and vaccine package inserts, along with the
20 healthcare provider's clinical judgment, to determine whether
21 any child may be more susceptible to experiencing an adverse
22 vaccine reaction than the general population, and, if so, the
23 healthcare provider may exempt the child from an immunization
24 or adopt an individualized immunization schedule. The
25 Certificate of Religious Exemption shall be created by the
26 Department of Public Health and shall be made available and

1 used by parents and legal guardians by the beginning of the
2 2015-2016 school year. Parents or legal guardians must submit
3 the Certificate of Religious Exemption to their local school
4 authority prior to entering kindergarten, sixth grade, and
5 ninth grade for each child for which they are requesting an
6 exemption. The religious objection stated need not be directed
7 by the tenets of an established religious organization.
8 However, general philosophical or moral reluctance to allow
9 physical examinations, eye examinations, immunizations, vision
10 and hearing screenings, or dental examinations does not provide
11 a sufficient basis for an exception to statutory requirements.
12 The local school authority is responsible for determining if
13 the content of the Certificate of Religious Exemption
14 constitutes a valid religious objection. The local school
15 authority shall inform the parent or legal guardian of
16 exclusion procedures, in accordance with the Department's
17 rules under Part 690 of Title 77 of the Illinois Administrative
18 Code, at the time the objection is presented.

19 If the physical condition of the child is such that any one
20 or more of the immunizing agents should not be administered,
21 the examining physician, advanced practice registered nurse,
22 or physician assistant responsible for the performance of the
23 health examination shall endorse that fact upon the health
24 examination form.

25 Exempting a child from the health, dental, or eye
26 examination does not exempt the child from participation in the

1 program of physical education training provided in Sections
2 27-5 through 27-7 of this Code.

3 (8.5) The school board of a school district shall include
4 informational materials regarding influenza and influenza
5 vaccinations and meningococcal disease and meningococcal
6 vaccinations developed or approved by the Department of Public
7 Health under Section 2310-700 of the Department of Public
8 Health Powers and Duties Law of the Civil Administrative Code
9 of Illinois when the board provides information on
10 immunizations, infectious diseases, medications, or other
11 school health issues to the parents or guardians of students.

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

16 (Source: P.A. 99-173, eff. 7-29-15; 99-249, eff. 8-3-15;
17 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-238, eff.
18 1-1-18; 100-465, eff. 8-31-17; 100-513, eff. 1-1-18; revised
19 9-22-17.)".