

HB2188



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2188

by Rep. Natalie A. Manley

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-8.1

from Ch. 122, par. 27-8.1

Amends the School Code. With regard to the required health examination, provides that the social and emotional screening must include questions on a child's medical history that pertain to the mental health issues of his or her family and any other matter that could impact the child's future mental health. Effective immediately.

LRB101 05500 AXK 50515 b

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, sixth, and ninth
17 grades of any public, private, or parochial school shall have a
18 dental examination. Each of these children shall present proof
19 of 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, sixth, or ninth
22 grade fails to present proof by May 15th, the school may hold
23 the child's report card until one of the following occurs: (i)
24 the child presents proof of a completed dental examination or
25 (ii) the child presents proof that a dental examination will
26 take place within 60 days after May 15th. The Department of

1 Public Health shall establish, by rule, a waiver for children
2 who show an undue burden or a lack of access to a dentist. Each
3 public, private, and parochial school must give notice of this
4 dental 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 January 1, 2008 (the effective
9 date of Public Act 95-671) and any student enrolling for the
10 first time in a public, private, or parochial school on or
11 after January 1, 2008 (the effective date of Public Act 95-671)
12 shall have an eye examination. Each of these children shall
13 present proof of having been examined by a physician licensed
14 to practice medicine in all of its branches or a licensed
15 optometrist within the previous year, in accordance with this
16 Section and rules adopted under this Section, before October
17 15th of the school year. If the child fails to present proof by
18 October 15th, the school may hold the child's report card until
19 one of the following occurs: (i) the child presents proof of a
20 completed eye examination or (ii) the child presents proof that
21 an eye examination will take place within 60 days after October
22 15th. The Department of Public Health shall establish, by rule,
23 a waiver for children who show an undue burden or a lack of
24 access to a physician licensed to practice medicine in all of
25 its branches who provides eye examinations or to a licensed
26 optometrist. Each public, private, and parochial school must

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

7 (2) The Department of Public Health shall promulgate rules
8 and regulations specifying the examinations and procedures
9 that constitute a health examination, which shall include an
10 age-appropriate developmental screening, an age-appropriate
11 social and emotional screening (which must include questions on
12 the child's medical history that pertain to the mental health
13 issues of his or her family and any other matter that could
14 impact the child's future mental health), and the collection of
15 data relating to asthma and obesity (including at a minimum,
16 date of birth, gender, height, weight, blood pressure, and date
17 of exam), and a dental examination and may recommend by rule
18 that certain additional examinations be performed. The rules
19 and regulations of the Department of Public Health shall
20 specify that a tuberculosis skin test screening shall be
21 included as a required part of each health examination included
22 under this Section if the child resides in an area designated
23 by the Department of Public Health as having a high incidence
24 of tuberculosis. With respect to the developmental screening
25 and the social and emotional screening, the Department of
26 Public Health must, no later than January 1, 2019, develop

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

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

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

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

11 (2.5) With respect to the developmental screening and the
12 social and emotional screening portion of the health
13 examination, each child may present proof of having been
14 screened in accordance with this Section and the rules adopted
15 under this Section before October 15th of the school year. With
16 regard to the social and emotional screening only, the
17 examining health care provider shall only record whether or not
18 the screening was completed. If the child fails to present
19 proof of the developmental screening or the social and
20 emotional screening portions of the health examination by
21 October 15th of the school year, qualified school support
22 personnel may, with a parent's or guardian's consent, offer the
23 developmental screening or the social and emotional screening
24 to the child. Each public, private, and parochial school must
25 give notice of the developmental screening and social and
26 emotional screening requirements to the parents and guardians

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

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

21 (4) The individuals conducting the health examination,
22 dental examination, or eye examination shall record the fact of
23 having conducted the examination, and such additional
24 information as required, including for a health examination
25 data relating to asthma and obesity (including at a minimum,
26 date of birth, gender, height, weight, blood pressure, and date

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

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

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

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

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

1 district or school has reported to the State Board of
2 Education.

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

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

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

25 (7) Upon determining that the number of pupils who are
26 required to be in compliance with subsection (5) of this

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

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

1 and to the community of the communicable diseases for which
2 immunization is required in this State. However, the health
3 care provider's signature on the certificate reflects only that
4 education was provided and does not allow a health care
5 provider grounds to determine a religious exemption. Those
6 receiving immunizations required under this Code shall be
7 provided with the relevant vaccine information statements that
8 are required to be disseminated by the federal National
9 Childhood Vaccine Injury Act of 1986, which may contain
10 information on circumstances when a vaccine should not be
11 administered, prior to administering a vaccine. A healthcare
12 provider may consider including without limitation the
13 nationally accepted recommendations from federal agencies such
14 as the Advisory Committee on Immunization Practices, the
15 information outlined in the relevant vaccine information
16 statement, and vaccine package inserts, along with the
17 healthcare provider's clinical judgment, to determine whether
18 any child may be more susceptible to experiencing an adverse
19 vaccine reaction than the general population, and, if so, the
20 healthcare provider may exempt the child from an immunization
21 or adopt an individualized immunization schedule. The
22 Certificate of Religious Exemption shall be created by the
23 Department of Public Health and shall be made available and
24 used by parents and legal guardians by the beginning of the
25 2015-2016 school year. Parents or legal guardians must submit
26 the Certificate of Religious Exemption to their local school

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

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

22 Exempting a child from the health, dental, or eye
23 examination does not exempt the child from participation in the
24 program of physical education training provided in Sections
25 27-5 through 27-7 of this Code.

26 (8.5) The school board of a school district shall include

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

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

14 (Source: P.A. 99-173, eff. 7-29-15; 99-249, eff. 8-3-15;
15 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-238, eff.
16 1-1-18; 100-465, eff. 8-31-17; 100-513, eff. 1-1-18; 100-829,
17 eff. 1-1-19; 100-863, eff. 8-14-18; 100-977, eff. 1-1-19;
18 100-1011, eff. 8-21-18; revised 10-5-18.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.