



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3190

by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-8.1

from Ch. 122, par. 27-8.1

410 ILCS 315/1.10 new

Amends the School Code and the Communicable Disease Prevention Act. Provides that, beginning July 1, 2014, upon entering the 7th and 12th grade of any public, private, or parochial school, a student shall present to the school proof of having received an immunization containing meningococcal conjugate vaccine. Requires the Department of Public Health to adopt a rule requiring students, upon entering the 7th and 12th grade of any public, private, or parochial school, to receive an immunization containing meningococcal conjugate vaccine beginning July 1, 2014.

LRB098 10379 RPM 41465 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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, advanced practice nurses who have a written
26 collaborative agreement with a collaborating physician which

1 authorizes them to perform health examinations, or physician
2 assistants who have been delegated the performance of health
3 examinations by their supervising physician shall be
4 responsible for the performance of the health examinations,
5 other than dental examinations, eye examinations, and vision
6 and hearing screening, and shall sign all report forms required
7 by subsection (4) of this Section that pertain to those
8 portions of the health examination for which the physician,
9 advanced practice 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 (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. Beginning July 1,
21 2014, upon entering the 7th and 12th grade of any public,
22 private, or parochial school, a student shall present to the
23 school proof of having received an immunization containing
24 meningococcal conjugate vaccine that meets the standards
25 approved by the U.S. Public Health Service for such biological
26 products and is in accordance with the recommendations of the

1 Centers for Disease Control and Prevention's Advisory
2 Committee on Immunization Practices.

3 (4) The individuals conducting the health examination,
4 dental examination, or eye examination shall record the fact of
5 having conducted the examination, and such additional
6 information as required, including for a health examination
7 data relating to obesity (including at a minimum, date of
8 birth, gender, height, weight, blood pressure, and date of
9 exam), on uniform forms which the Department of Public Health
10 and the State Board of Education shall prescribe for statewide
11 use. The examiner shall summarize on the report form any
12 condition that he or she suspects indicates a need for special
13 services, including for a health examination factors relating
14 to obesity. The individuals confirming the administration of
15 required immunizations shall record as indicated on the form
16 that the immunizations were administered.

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

1 more of the required immunizations must be given after October
2 15 of the current school year, or after an earlier established
3 date of the current school year, then the child shall present,
4 by October 15, or by the earlier established date, a schedule
5 for the administration of the immunizations and a statement of
6 the medical reasons causing the delay, both the schedule and
7 the statement being issued by the physician, advanced practice
8 nurse, physician assistant, registered nurse, or local health
9 department that will be responsible for administration of the
10 remaining required immunizations. If a child does not comply by
11 October 15, or by the earlier established date of the current
12 school year, with the requirements of this subsection, then the
13 local school authority shall exclude that child from school
14 until such time as the child presents proof of having had the
15 health examination as required and presents proof of having
16 received those required immunizations which are medically
17 possible to receive immediately. During a child's exclusion
18 from school for noncompliance with this subsection, the child's
19 parents or legal guardian shall be considered in violation of
20 Section 26-1 and subject to any penalty imposed by Section
21 26-10. This subsection (5) does not apply to dental
22 examinations and eye examinations. Until June 30, 2015, if the
23 student is an out-of-state transfer student and does not have
24 the proof required under this subsection (5) before October 15
25 of the current year or whatever date is set by the school
26 district, then he or she may only attend classes (i) if he or

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

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

1 Education.

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

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

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

24 (7) Upon determining that the number of pupils who are
25 required to be in compliance with subsection (5) of this
26 Section is below 90% of the number of pupils enrolled in the

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

6 (8) Parents or legal guardians who object to health,
7 dental, or eye examinations or any part thereof, or to
8 immunizations, on religious grounds shall not be required to
9 submit their children or wards to the examinations or
10 immunizations to which they so object if such parents or legal
11 guardians present to the appropriate local school authority a
12 signed statement of objection, detailing the grounds for the
13 objection. If the physical condition of the child is such that
14 any one or more of the immunizing agents should not be
15 administered, the examining physician, advanced practice
16 nurse, or physician assistant responsible for the performance
17 of the health examination shall endorse that fact upon the
18 health examination form. Exempting a child from the health,
19 dental, or eye examination does not exempt the child from
20 participation in the program of physical education training
21 provided in Sections 27-5 through 27-7 of this Code.

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

26 (Source: P.A. 96-953, eff. 6-28-10; 97-216, eff. 1-1-12;

1 97-910, eff. 1-1-13.)

2 Section 10. The Communicable Disease Prevention Act is
3 amended by adding Section 1.10 as follows:

4 (410 ILCS 315/1.10 new)

5 Sec. 1.10. Meningococcal conjugate vaccine.

6 Notwithstanding Section 2 of this Act, the Department of Public
7 Health shall adopt a rule requiring students, upon entering the
8 7th and 12th grade of any public, private, or parochial school,
9 to receive an immunization containing meningococcal conjugate
10 vaccine that meets the standards approved by the U.S. Public
11 Health Service for such biological products and is in
12 accordance with the recommendations of the Centers for Disease
13 Control and Prevention's Advisory Committee on Immunization
14 Practices. The immunization requirement shall apply beginning
15 July 1, 2014. However, the requirement shall not apply if (i)
16 the parent or guardian of the student objects thereto on the
17 grounds that the administration of immunizing agents conflicts
18 with the parent or guardian's religious tenets or practices or
19 (ii) a physician employed by the parent or guardian to provide
20 care and treatment to the student states that the physical
21 condition of the student is such that the administration of the
22 required immunizing agent would be detrimental to the health of
23 the student.