

## **Illinois State Board of Education**

Data Analysis and Accountability Division – August 2013

### **Guidelines Applicable to Medical and Religious Immunization Exemptions**

The Illinois State Board of Education (ISBE) has developed these guidelines to help school administrators determine whether a request for an immunization exemption should be allowed and when a medical objection should be referred to the Illinois Department of Public Health (IDPH).

#### **Medical Exemptions**

There are two avenues by which a physician may exempt a child from a required immunization. One is a **physician statement of immunity** and the other is a **medical objection** (see IDPH rules, 77 Illinois Administrative Code **665.280** and **665.520**). A **physician statement of immunity** or **medical objection** must be signed by a physician and attached to the student's "**Certificate of Child Health Examination**" form.

#### **Physician Statement of Immunity (77 IAC 665.280)**

A copy of **all** physician statements of immunity should be forwarded to the appropriate regional IDPH Immunization Program Representative, except when a previous statement addressing the same circumstance has been reviewed by IDPH and deemed acceptable. If the circumstance of a physician statement of immunity has not been previously reviewed and deemed acceptable, the student should be counted as "unprotected but in compliance" until such time as the student's school receives a letter from the IDPH Immunization Program Representative stating that the exemption is accepted. If accepted, the IDPH approval letter should be attached to the student's "**Certificate of Child Health Examination**" form and the student's status should be considered "protected and in compliance." If the statement is not approved, the school should forward a copy of the statement to the student's parent(s), informing them that the required immunization(s) must be given and the student is currently considered "unprotected and in noncompliance."

#### **Medical Objection (77 IAC 665.520)**

Medical objection statements from physicians which indicate an immunization is medically contraindicated are acceptable and should be attached to the student's "**Certificate of Child Health Examination**" form. A copy of any medical objection statement that does not specifically state that an immunization is medically contraindicated should be forwarded to the IDPH Immunization Program Representative for review. Statements from physicians indicating a specific medical condition that predisposes a student to a potential health risk if vaccinated should also be forwarded to the IDPH Immunization Program Representative for review. If approved, the school should attach the letter of approval from IDPH to the student's "**Certificate of Child Health Examination**" form. If the statement is not approved, a copy of the IDPH letter should be forwarded to the student's parent(s), informing them that the required immunization(s) must be given.

#### **Religious Exemptions to Immunizations and Examinations**

According to state law (\*\***105 ILCS 5/27-8.1(8)**) – see Section 27-8.1(8) of the School Code on page 3), a religious objection must refer to each specific examination or immunization for which

a religious objection is claimed. IDPH rules (see 77 Illinois Administrative Code **665.510**) clarify the basis for religious objections, including that general philosophical or moral reluctance to allow an immunization or examination will not provide a sufficient basis for an exception to statutory requirements.

The statutory exemption to immunizations for religious reasons is based on constitutional principles. Parents wishing to object on these grounds are expected to state their religious belief that conflicts with a specific examination or immunization. See *Lewis v. Sobel*, 710 F. Supp. 506, 512- 16 (S.D. N.Y. 1989). The religious objection may be personal and need not be directed by the tenets of an established religious organization. See *Frazer v. Illinois Department of Employment Security*, 489 U.S. 829, 109 S.Ct. 1514 (1989).

Section 27-8.1 of the School Code does not provide for an exemption to physical examinations or immunizations on non-religious grounds of conscience. A religious objection must be signed and state the specific religious belief that conflicts with an examination, immunization, or other medical intervention. Using forms available on the Internet and elsewhere, which purport to be legal documents and use general language, will not ensure that the necessary information is provided. We recommend that parents be asked to provide an original written statement which sets forth fully the religious belief that is the basis for their objection, instead of relying on a prepared form which may not accurately or sufficiently describe their religious belief. The parent's statement of religious objection should be attached to the student's "**Certificate of Child Health Examination**" form.

**Questions regarding religious objections should be directed to ISBE Specialized Instruction, Nutrition and Wellness Division, School Health, at 312-814-5560.**

**Questions regarding medical exemptions should be directed to the IDPH Immunization Section at 217-785-1455.**

**\*\*105 ILCS 5/27-8.1(8)**

Parents or legal guardians who object to health, dental, or eye examinations or any part thereof, or to immunizations, on religious grounds shall not be required to submit their children or wards to the examinations or immunizations to which they so object if such parents or legal guardians present to the appropriate local school authority a signed statement of objection, detailing the grounds for the objection. If the physical condition of the child is such that any one or more of the immunizing agents should not be administered, the examining physician, advanced practice nurse, or physician assistant responsible for the performance of the health examination shall endorse that fact upon the health examination form. Exempting a child from the health, dental, or eye examination does not exempt the child from participation in the program of physical education training provided in Sections 27-5 through 27-7 of this Code [105 ILCS 5/27-5 through 105 ILCS 5/27-7].