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What does state law say about measles prevention and control in schools?

Recent clusters of measles cases in the United States have intensified the debate on the rights of parents to elect not to immunize their children.

In January, the 2nd U.S. Circuit Court of Appeals upheld the constitutionality of a New York state law requiring all students to be immunized to attend public school as well as a state regulation permitting the temporary exclusion of non-immunized students during an outbreak of a vaccine-preventable disease. *Phillips v. City of New York*, F3d , 2015 WL74112 (2nd Cir. 2015).

In February, California senators announced plans to introduce legislation to repeal a current California exemption which allows parents to opt out of immunization requirements based on personal beliefs. The immunization debate has, naturally, led to questions about Illinois immunization requirements and schools' legal obligations for handling a measles outbreak.

Immunization requirements

1. Must all Illinois students be immunized against measles?

Section 27-8.1 of the Illinois School Code and Illinois Department of Public Health implementing rules require that all students in any Illinois public, private/independent or parochial school present proof of immunity against various communicable diseases, including measles, prior to enrolling. 105 ILCS 5/27-8.1; 77 Ill.Admin.Code 665.30(a); 77 Ill.Admin.Code 695.10(c).

However, two statutory exceptions allow non-immunized students to attend Illinois schools.

2. Do statutory exceptions allow non-immunized students to attend schools?

Section 27-8.1(8) of the Illinois School Code (105 ILCS 5/27-8.1(8)) exempts students from immunization requirements based on medical or religious objections.

A medical objection requires that a physician specifically identify the student's medical condition that precludes immunization. The physician must endorse the

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objection on the state's child health examination certificate form, which must be placed in the student's permanent record. 77 Ill.Admin.Code 665.520(a). If the student's medical condition later permits immunization, then the student will need to meet immunization requirements. 77 Ill.Admin.Code 665.520(b).

Parents/guardians may also make a religious objection to immunization by submitting a signed statement detailing the grounds for the objection and identifying the specific religious belief which conflicts with immunization.

The religious objection need not be directed by the tenets of an established religious organization, but a general philosophical or moral reluctance to allow immunizations is insufficient. The local school authority then determines whether the written statement constitutes a valid religious objection. 77 Ill.Admin.Code 665.510. See also 77 Ill.Admin.Code 695.30.

3. Do schools know which students are not immunized?

If measles is diagnosed in a school, each non-immunized student and employee must be excluded from that school until 21 days after the onset of the last reported measles case ...

Each attendance center is required to maintain a list of students who have not presented proof of immunity against various communicable diseases, including measles. 77 Ill.Admin.Code 665.290.

Local school authorities must also monitor immunization schedules to assure that students complete required immunizations. If a

student is delinquent for a scheduled immunization appointment, then he/she is no longer compliant with Section 27-8.1 of the Illinois School Code (105 ILCS 5/27-8.1). 77 Ill.Admin.Code 665.270.

4. What is acceptable proof of a student's immunity to measles?

Acceptable proof of measles immunity consists of one of the following:

- A written record from the student's physician or a health professional that indicates dates of vaccination and type of vaccine administered.
- A statement from a physician indicating the date when the student had measles.
- A laboratory report indicating that the student has a protective measles antibody titer as measured by a test with demonstrable reliability.

77 Ill.Admin.Code 690.520(c)(4)(A-C). See also 77 Ill.Admin.Code 665.250; 695.10(f).

5. Must school employees be immunized against measles?

No. The Illinois School Code

and state regulations do not require that school employees be immunized against measles or any other communicable diseases.

Responding to a measles outbreak

6. What should schools do if they suspect someone in their attendance center may have measles?

Personnel in each attendance

center responsible for investigating absenteeism must immediately report suspect cases of measles to the school principal or the school nurse. 77 Ill.Admin.Code 690.520(c)(1). Upon receipt of a report of a suspected case of measles, school personnel must also conduct an inquiry into absenteeism to determine whether there are any other cases in the class/school of the student involved. 77 Ill.Admin.Code 690.520(c)(2).

Within 24 hours, school officials must make a telephone report to the local health authority, specifying the name, age and sex of any student suspected of having contracted measles. The state or local health department must be contacted by school personnel and should be involved in investigating the outbreak so that all necessary vaccination services are made available. 77 Ill.Admin.Code 690.520(c)(3).

Additionally, a notice must be sent home with each student who has not presented proof of immunity, explaining that the student is to be excluded, effective the following morning, until the school receives acceptable proof of immunity or until 21 days after the onset of the last reported measles case. 77 Ill.Admin.Code 690.520(c)(4).

7. What are the rights of schools to exclude non-immunized students and employees if a case of measles is diagnosed in the school?

If measles is diagnosed in a school, each non-immunized student and employee must be excluded from that school until 21 days after the onset of the last reported measles case or until the school receives acceptable proof of immunity for the excluded individual. 77 Ill.Admin.Code 690.520(b)(3); 77 Ill.Admin.Code 690.520(c)(4).

8. If a student is diagnosed with measles, how long can he/she be excluded from school?

Children with measles must be kept out of school for at least four days after appearance of the rash. 77 Ill.Admin.Code 690.520(a)(2).