

## **New Guidelines Clarify Medical, Religious Immunization Exemptions**

The State Board of Education and the Illinois Department of Public Health have developed guidelines to help school administrators determine whether a medical or religious immunization exemption should be allowed and when a medical objection should be referred to IDPH. Both agencies have received complaints that these statutory exemptions in the School Code\* are not being enforced equitably at the local level and that there is confusion about referrals to IDPH.

### **Medical Exemptions:**

Currently there are two avenues by which a physician may exempt a child from a required immunization. One is the "Physician Statement of Immunity" and the other is the "Medical Objection" (see 77 Illinois Administrative Code Part 665.280 and Part 665.520). The "Medical Objection" or "Physician Statement of Immunity" signed by the physician should be attached to the student's "Certificate of Child Health Examination" form. A copy of all "Physician Statements of Immunity" should be forwarded to the Illinois Department of Public Health Regional Immunization Program Representative listed on the map included in this memorandum, unless previous statements addressing the same circumstance have been reviewed by the Illinois Department of Public Health and deemed acceptable. If the circumstance of the "Physician Statement of Immunity" being submitted has not been previously reviewed and deemed acceptable, the student is counted as "Unprotected But in Compliance" until such time as his or her school receives a letter from the Illinois Department of Health Immunization Program Representative stating the exemption is accepted or rejected. If accepted, the Illinois Department of Public Health approval letter is attached to the student's "Certificate of Child Health Examination" form and the student considered as "Protected and in Compliance." If the statement is not approved, the school should forward a copy of the statement to the student's parent informing them that the required immunization(s) must be given, and the student is considered as "Unprotected and in Noncompliance."

Medical objection statements from physicians indicating that the immunization in question is medically contraindicated should be considered acceptable and attached to the student's physical examination form. A copy of any medical objection statement that does not specifically state that the immunization is medically

contraindicated should be forwarded to the Illinois Department of Public Health Immunization Program Representative for review. Statements from physicians indicating that the student's specific medical condition predisposes him or her to a potential health risk if vaccinated should also be forwarded to the Illinois Department of Public Health Immunization Program representative for review. If approved, the school should attach the letter of approval from the Illinois Department of Public Health to the student's "Certificate of Child Health Examination" form. If the statement is not approved, a copy of the Illinois Department of Public Health letter should be forwarded to the student's parent informing them that the required immunization(s) must be given.

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

According to state law,\* a religious objection must refer to each specific examination or immunization for which a religious objection is claimed. [IDPH rules](#) explain the religious exception to the immunization requirement as follows: "General philosophical or moral reluctance to allow physical examinations, immunizations, vision and hearing screening, and dental examinations will not provide a sufficient basis for an exception to statutory requirements." (See 77 Illinois Administrative Code, Section 665.510.)

The statutory exemption to immunizations for religious reasons is based on constitutional principles. Parents wishing to state this type of objection are expected to set forth their religious beliefs, which would prohibit the 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 *Frazee v. Illinois Department of Employment Security*, 489 U.S. 829, 109 S.Ct. 1514 (1989).

The opinion of our Legal Department is that an exemption form which refers merely to "natural laws of health" or to a similar basis of a general philosophical, scientific or personal preference nature does not constitute a valid religious objection. Section 27-8.1 does not provide for an exemption to physical examinations or immunizations on non-religious conscientious grounds. A religious objection must set forth the specific religious belief which forbids the specific examination, immunization or other medical intervention. Some available forms, which purport to be legal documents and which use

general language, do not assure that the necessary information is provided. We recommend that parents be requested to complete a written statement, which fully sets forth the religious belief that is the basis for the objection, instead of relying upon a prepared form, which may not accurately or sufficiently describe the religious belief. With a full explanation of the parents' religious beliefs, a district can determine if the objection is valid. When the district determines that the parent's statement of religious objection is valid, this statement should be attached to the student's ["Certificate of Child Health Examination" form](#).

**Questions regarding religious objection should be directed to the school health service consultant, State Board of Education Division of Intervention and Assessment, at 217-782-5589.**

**Questions regarding medical exemptions should be directed to your Regional Immunization Representative ([click for map](#)) or the Illinois Department of Public Health Immunization Section at 217/785-1455.**

\*105 ILCS 5/27-8.1(8) states: Parents or legal guardians who object to health 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 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 responsible for the performance of the health examination shall endorse that fact upon the health examination form. Exempting a child from the health examination does not exempt him 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].