

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 Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by changing Section 2310-391 and by adding Section
7 2310-700 as follows:

8 (20 ILCS 2310/2310-391)

9 Sec. 2310-391. Meningitis; educational materials. The
10 Department shall develop educational materials on meningitis
11 for distribution in elementary and secondary schools. In
12 addition, the Department shall comply with Section 2310-700 of
13 this Law.

14 (Source: P.A. 94-769, eff. 5-12-06.)

15 (20 ILCS 2310/2310-700 new)

16 Sec. 2310-700. Influenza and meningococcal disease and
17 vaccine information; school districts. The Department shall
18 develop, provide, or approve and shall publish informational
19 materials for school districts in this State regarding
20 influenza and influenza vaccinations and meningococcal disease
21 and meningococcal vaccinations in accordance with the latest
22 information provided by the Advisory Committee on Immunization

1 Practices of the Centers for Disease Control and Prevention.

2 Section 10. The School Code is amended by changing Section
3 27-8.1 as follows:

4 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

5 Sec. 27-8.1. Health examinations and immunizations.

6 (1) In compliance with rules and regulations which the
7 Department of Public Health shall promulgate, and except as
8 hereinafter provided, all children in Illinois shall have a
9 health examination as follows: within one year prior to
10 entering kindergarten or the first grade of any public,
11 private, or parochial elementary school; upon entering the
12 sixth and ninth grades of any public, private, or parochial
13 school; prior to entrance into any public, private, or
14 parochial nursery school; and, irrespective of grade,
15 immediately prior to or upon entrance into any public, private,
16 or parochial school or nursery school, each child shall present
17 proof of having been examined in accordance with this Section
18 and the rules and regulations promulgated hereunder. Any child
19 who received a health examination within one year prior to
20 entering the fifth grade for the 2007-2008 school year is not
21 required to receive an additional health examination in order
22 to comply with the provisions of Public Act 95-422 when he or
23 she attends school for the 2008-2009 school year, unless the
24 child is attending school for the first time as provided in

1 this paragraph.

2 A tuberculosis skin test screening shall be included as a
3 required part of each health examination included under this
4 Section if the child resides in an area designated by the
5 Department of Public Health as having a high incidence of
6 tuberculosis. Additional health examinations of pupils,
7 including eye examinations, may be required when deemed
8 necessary by school authorities. Parents are encouraged to have
9 their children undergo eye examinations at the same points in
10 time required for health examinations.

11 (1.5) In compliance with rules adopted by the Department of
12 Public Health and except as otherwise provided in this Section,
13 all children in kindergarten and the second and sixth grades of
14 any public, private, or parochial school shall have a dental
15 examination. Each of these children shall present proof of
16 having been examined by a dentist in accordance with this
17 Section and rules adopted under this Section before May 15th of
18 the school year. If a child in the second or sixth grade fails
19 to present proof by May 15th, the school may hold the child's
20 report card until one of the following occurs: (i) the child
21 presents proof of a completed dental examination or (ii) the
22 child presents proof that a dental examination will take place
23 within 60 days after May 15th. The Department of Public Health
24 shall establish, by rule, a waiver for children who show an
25 undue burden or a lack of access to a dentist. Each public,
26 private, and parochial school must give notice of this dental

1 examination requirement to the parents and guardians of
2 students at least 60 days before May 15th of each school year.

3 (1.10) Except as otherwise provided in this Section, all
4 children enrolling in kindergarten in a public, private, or
5 parochial school on or after January 1, 2008 (the effective
6 date of Public Act 95-671) ~~this amendatory Act of the 95th~~
7 ~~General Assembly~~ and any student enrolling for the first time
8 in a public, private, or parochial school on or after January
9 1, 2008 (the effective date of Public Act 95-671) ~~this~~
10 ~~amendatory Act of the 95th General Assembly~~ shall have an eye
11 examination. Each of these children shall present proof of
12 having been examined by a physician licensed to practice
13 medicine in all of its branches or a licensed optometrist
14 within the previous year, in accordance with this Section and
15 rules adopted under this Section, before October 15th of the
16 school year. If the child fails to present proof by October
17 15th, the school may hold the child's report card until one of
18 the following occurs: (i) the child presents proof of a
19 completed eye examination or (ii) the child presents proof that
20 an eye examination will take place within 60 days after October
21 15th. The Department of Public Health shall establish, by rule,
22 a waiver for children who show an undue burden or a lack of
23 access to a physician licensed to practice medicine in all of
24 its branches who provides eye examinations or to a licensed
25 optometrist. Each public, private, and parochial school must
26 give notice of this eye examination requirement to the parents

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

6 (2) The Department of Public Health shall promulgate rules
7 and regulations specifying the examinations and procedures
8 that constitute a health examination, which shall include an
9 age-appropriate developmental screening, an age-appropriate
10 social and emotional screening, and the collection of data
11 relating to asthma and obesity (including at a minimum, date of
12 birth, gender, height, weight, blood pressure, and date of
13 exam), and a dental examination and may recommend by rule that
14 certain additional examinations be performed. The rules and
15 regulations of the Department of Public Health shall specify
16 that a tuberculosis skin test screening shall be included as a
17 required part of each health examination included under this
18 Section if the child resides in an area designated by the
19 Department of Public Health as having a high incidence of
20 tuberculosis. With respect to the developmental screening and
21 the social and emotional screening, the Department of Public
22 Health must develop rules and appropriate revisions to the
23 Child Health Examination form in conjunction with a statewide
24 organization representing school boards; a statewide
25 organization representing pediatricians; statewide
26 organizations representing individuals holding Illinois

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

20 Physicians licensed to practice medicine in all of its
21 branches, licensed advanced practice registered nurses, or
22 licensed physician assistants shall be responsible for the
23 performance of the health examinations, other than dental
24 examinations, eye examinations, and vision and hearing
25 screening, and shall sign all report forms required by
26 subsection (4) of this Section that pertain to those portions

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

1 screening is conducted, that states, "Vision screening is not a
2 substitute for a complete eye and vision evaluation by an eye
3 doctor. Your child is not required to undergo this vision
4 screening if an optometrist or ophthalmologist has completed
5 and signed a report form indicating that an examination has
6 been administered within the previous 12 months.".

7 (2.5) With respect to the developmental screening and the
8 social and emotional screening portion of the health
9 examination, each child may present proof of having been
10 screened in accordance with this Section and the rules adopted
11 under this Section before October 15th of the school year. With
12 regard to the social and emotional screening only, the
13 examining health care provider shall only record whether or not
14 the screening was completed. If the child fails to present
15 proof of the developmental screening or the social and
16 emotional screening portions of the health examination by
17 October 15th of the school year, qualified school support
18 personnel may, with a parent's or guardian's consent, offer the
19 developmental screening or the social and emotional screening
20 to the child. Each public, private, and parochial school must
21 give notice of the developmental screening and social and
22 emotional screening requirements to the parents and guardians
23 of students in compliance with the rules of the Department of
24 Public Health. Nothing in this Section shall be construed to
25 allow a school to exclude a child from attending because of a
26 parent's or guardian's failure to obtain a developmental

1 screening or a social and emotional screening for the child.
2 Once a developmental screening or a social and emotional
3 screening is completed and proof has been presented to the
4 school, the school may, with a parent's or guardian's consent,
5 make available appropriate school personnel to work with the
6 parent or guardian, the child, and the provider who signed the
7 screening form to obtain any appropriate evaluations and
8 services as indicated on the form and in other information and
9 documentation provided by the parents, guardians, or provider.

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

17 (4) The individuals conducting the health examination,
18 dental examination, or eye examination shall record the fact of
19 having conducted the examination, and such additional
20 information as required, including for a health examination
21 data relating to asthma and obesity (including at a minimum,
22 date of birth, gender, height, weight, blood pressure, and date
23 of exam), on uniform forms which the Department of Public
24 Health and the State Board of Education shall prescribe for
25 statewide use. The examiner shall summarize on the report form
26 any condition that he or she suspects indicates a need for

1 special services, including for a health examination factors
2 relating to asthma or obesity. The duty to summarize on the
3 report form does not apply to social and emotional screenings.
4 The confidentiality of the information and records relating to
5 the developmental screening and the social and emotional
6 screening shall be determined by the statutes, rules, and
7 professional ethics governing the type of provider conducting
8 the screening. The individuals confirming the administration
9 of required immunizations shall record as indicated on the form
10 that the immunizations were administered.

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

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

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

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

25 Every school shall report to the State Board of Education
26 by June 30, in the manner that the State Board requires, the

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

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

18 The reported information under this subsection (6) shall be
19 provided to the Department of Public Health by the State Board
20 of Education.

21 (7) Upon determining that the number of pupils who are
22 required to be in compliance with subsection (5) of this
23 Section is below 90% of the number of pupils enrolled in the
24 school district, 10% of each State aid payment made pursuant to
25 Section 18-8.05 or 18-8.15 to the school district for such year
26 may be withheld by the State Board of Education until the

1 number of students in compliance with subsection (5) is the
2 applicable specified percentage or higher.

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

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

1 However, general philosophical or moral reluctance to allow
2 physical examinations, eye examinations, immunizations, vision
3 and hearing screenings, or dental examinations does not provide
4 a sufficient basis for an exception to statutory requirements.
5 The local school authority is responsible for determining if
6 the content of the Certificate of Religious Exemption
7 constitutes a valid religious objection. The local school
8 authority shall inform the parent or legal guardian of
9 exclusion procedures, in accordance with the Department's
10 rules under Part 690 of Title 77 of the Illinois Administrative
11 Code, at the time the objection is presented.

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

18 Exempting a child from the health, dental, or eye
19 examination does not exempt the child from participation in the
20 program of physical education training provided in Sections
21 27-5 through 27-7 of this Code.

22 (8.5) The school board of a school district shall include
23 informational materials regarding influenza and influenza
24 vaccinations and meningococcal disease and meningococcal
25 vaccinations developed, provided, or approved by the
26 Department of Public Health under Section 2310-700 of the

1 Department of Public Health Powers and Duties Law of the Civil
2 Administrative Code of Illinois when the board provides
3 information on immunizations, infectious diseases,
4 medications, or other school health issues to the parents or
5 guardians of students.

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

10 (Source: P.A. 99-173, eff. 7-29-15; 99-249, eff. 8-3-15;
11 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-238, eff.
12 1-1-18; 100-465, eff. 8-31-17; 100-513, eff. 1-1-18; revised
13 9-22-17.)