



Rep. Mary Gill

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10400HB3408ham001

LRB104 11816 LNS 23281 a

1 AMENDMENT TO HOUSE BILL 3408

2 AMENDMENT NO. _____. Amend House Bill 3408 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Section
5 2-3.206 and by changing Section 27-8.1 as follows:

6 (105 ILCS 5/2-3.206 new)

7 Sec. 2-3.206. Color vision deficient literacy. The State
8 Board of Education, in collaboration with the Department of
9 Public Health, shall provide guidance on both of their
10 respective websites to aid preschool and elementary school
11 teachers in teaching literacy and other subjects to
12 color-vision-deficient learners.

13 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

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

15 (1) In compliance with rules and regulations which the

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

20 A tuberculosis skin test screening shall be included as a
21 required part of each health examination included under this
22 Section if the child resides in an area designated by the
23 Department of Public Health as having a high incidence of
24 tuberculosis. Additional health examinations of pupils,
25 including eye examinations, may be required when deemed
26 necessary by school authorities. Parents are encouraged to

1 have their children undergo eye examinations at the same
2 points in time required for health examinations.

3 (1.5) In compliance with rules adopted by the Department
4 of Public Health and except as otherwise provided in this
5 Section, all children in kindergarten and the second, sixth,
6 and ninth grades of any public, private, or parochial school
7 shall have a dental examination. Each of these children shall
8 present proof of having been examined by a dentist in
9 accordance with this Section and rules adopted under this
10 Section before May 15th of the school year. If a child in the
11 second, sixth, or ninth grade fails to present proof by May
12 15th, the school may hold the child's report card until one of
13 the following occurs: (i) the child presents proof of a
14 completed dental examination or (ii) the child presents proof
15 that a dental examination will take place within 60 days after
16 May 15th. A school may not withhold a child's report card
17 during a school year in which the Governor has declared a
18 disaster due to a public health emergency pursuant to Section
19 7 of the Illinois Emergency Management Agency Act. The
20 Department of Public Health shall establish, by rule, a waiver
21 for children who show an undue burden or a lack of access to a
22 dentist. Each public, private, and parochial school must give
23 notice of this dental examination requirement to the parents
24 and guardians of students at least 60 days before May 15th of
25 each school year.

26 (1.10) Except as otherwise provided in this Section, all

1 children enrolling in kindergarten in a public, private, or
2 parochial school on or after January 1, 2008 (the effective
3 date of Public Act 95-671) and any student enrolling for the
4 first time in a public, private, or parochial school on or
5 after January 1, 2008 (the effective date of Public Act
6 95-671) shall have an eye examination. Each of these children
7 shall present proof of having been examined by a physician
8 licensed to practice medicine in all of its branches or a
9 licensed optometrist within the previous year, in accordance
10 with this Section and rules adopted under this Section, before
11 October 15th of the school year. If the child fails to present
12 proof by October 15th, the school may hold the child's report
13 card until one of the following occurs: (i) the child presents
14 proof of a completed eye examination or (ii) the child
15 presents proof that an eye examination will take place within
16 60 days after October 15th. A school may not withhold a child's
17 report card during a school year in which the Governor has
18 declared a disaster due to a public health emergency pursuant
19 to Section 7 of the Illinois Emergency Management Agency Act.
20 The Department of Public Health shall establish, by rule, a
21 waiver for children who show an undue burden or a lack of
22 access to a physician licensed to practice medicine in all of
23 its branches who provides eye examinations or to a licensed
24 optometrist. Each public, private, and parochial school must
25 give notice of this eye examination requirement to the parents
26 and guardians of students in compliance with rules of the

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

5 (2) The Department of Public Health shall promulgate rules
6 and regulations specifying the examinations and procedures
7 that constitute a health examination, which shall include an
8 age-appropriate developmental screening, an age-appropriate
9 social and emotional screening, and the collection of data
10 relating to asthma and obesity (including at a minimum, date
11 of birth, gender, height, weight, blood pressure, and date of
12 exam), and a dental examination and may recommend by rule that
13 certain additional examinations be performed. The rules and
14 regulations of the Department of Public Health shall specify
15 that a tuberculosis skin test screening shall be included as a
16 required part of each health examination included under this
17 Section if the child resides in an area designated by the
18 Department of Public Health as having a high incidence of
19 tuberculosis. With respect to the developmental screening and
20 the social and emotional screening, the Department of Public
21 Health must, no later than January 1, 2019, develop rules and
22 appropriate revisions to the Child Health Examination form in
23 conjunction with a statewide organization representing school
24 boards; a statewide organization representing pediatricians;
25 statewide organizations representing individuals holding
26 Illinois educator licenses with school support personnel

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

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

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

1 conducted, that states, "Vision screening is not a substitute
2 for a complete eye and vision evaluation by an eye doctor. Your
3 child is not required to undergo this vision screening if an
4 optometrist or ophthalmologist has completed and signed a
5 report form indicating that an examination has been
6 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.
12 With regard to the social and emotional screening only, the
13 examining health care provider shall only record whether or
14 not 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
19 the developmental screening or the social and emotional
20 screening to the child. Each public, private, and parochial
21 school must give notice of the developmental screening and
22 social and emotional screening requirements to the parents and
23 guardians of students in compliance with the rules of the
24 Department of Public Health. Nothing in this Section shall be
25 construed to allow a school to exclude a child from attending
26 because of a parent's or guardian's failure to obtain a

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

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

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

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

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

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

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

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

26 Every school shall report to the State Board of Education

1 by June 30, in the manner that the State Board requires, the
2 number of children who have received the required dental
3 examination, indicating, of those who have not received the
4 required dental examination, the number of children who are
5 exempt from the dental examination on religious grounds as
6 provided in subsection (8) of this Section and the number of
7 children who have received a waiver under subsection (1.5) of
8 this Section.

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

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

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

1 year may be withheld by the State Board of Education until the
2 number of students in compliance with subsection (5) is the
3 applicable specified percentage or higher.

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

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

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

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

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

24 (8.5) The school board of a school district shall include
25 informational materials regarding influenza and influenza
26 vaccinations developed, provided, or approved by the

1 Department of Public Health under Section 2310-700 of the
2 Department of Public Health Powers and Duties Law of the Civil
3 Administrative Code of Illinois when the board provides
4 information on immunizations, infectious diseases,
5 medications, or other school health issues to the parents or
6 guardians of students.

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

11 (Source: P.A. 103-985, eff. 1-1-25.)

12 Section 10. The Child Vision and Hearing Test Act is
13 amended by adding Section 4.5 as follows:

14 (410 ILCS 205/4.5 new)

15 Sec. 4.5. Color discrimination tests mandatory.
16 Notwithstanding any other provision of law to the contrary,
17 color discrimination tests shall be performed in all vision
18 screening services under this Act. The Department of Public
19 Health shall file rules with the Joint Committee on
20 Administrative Rules within 180 days after the effective date
21 of this amendatory Act of the 104th General Assembly.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."