

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 27-8.1 as follows:

6 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

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

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

1 to comply with the provisions of Public Act 95-422 when he or
2 she attends school for the 2008-2009 school year, unless the
3 child is attending school for the first time as provided in
4 this paragraph.

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

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

1 shall establish, by rule, a waiver for children who show an
2 undue burden or a lack of access to a dentist. Each public,
3 private, and parochial school must give notice of this dental
4 examination requirement to the parents and guardians of
5 students at least 60 days before May 15th of each school year.

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

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

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

1 validated screening tool. The rules shall provide that social
2 and emotional screenings are not intended to replace or
3 duplicate health care systems conducting screening and
4 anticipatory guidance consistent with recommendations of the
5 American Academy of Pediatrics and must be consistent with the
6 State Board of Education's social and emotional learning
7 standards. The Department of Public Health shall specify that a
8 diabetes screening as defined by rule shall be included as a
9 required part of each health examination. Diabetes testing is
10 not required.

11 Physicians licensed to practice medicine in all of its
12 branches, licensed advanced practice nurses, or licensed
13 physician assistants shall be responsible for the performance
14 of the health examinations, other than dental examinations, eye
15 examinations, and vision and hearing screening, and shall sign
16 all report forms required by subsection (4) of this Section
17 that pertain to those portions of the health examination for
18 which the physician, advanced practice nurse, or physician
19 assistant is responsible. If a registered nurse performs any
20 part of a health examination, then a physician licensed to
21 practice medicine in all of its branches must review and sign
22 all required report forms. Licensed dentists shall perform all
23 dental examinations and shall sign all report forms required by
24 subsection (4) of this Section that pertain to the dental
25 examinations. Physicians licensed to practice medicine in all
26 its branches or licensed optometrists shall perform all eye

1 examinations required by this Section and shall sign all report
2 forms required by subsection (4) of this Section that pertain
3 to the eye examination. For purposes of this Section, an eye
4 examination shall at a minimum include history, visual acuity,
5 subjective refraction to best visual acuity near and far,
6 internal and external examination, and a glaucoma evaluation,
7 as well as any other tests or observations that in the
8 professional judgment of the doctor are necessary. Vision and
9 hearing screening tests, which shall not be considered
10 examinations as that term is used in this Section, shall be
11 conducted in accordance with rules and regulations of the
12 Department of Public Health, and by individuals whom the
13 Department of Public Health has certified. In these rules and
14 regulations, the Department of Public Health shall require that
15 individuals conducting vision screening tests give a child's
16 parent or guardian written notification, before the vision
17 screening is conducted, that states, "Vision screening is not a
18 substitute for a complete eye and vision evaluation by an eye
19 doctor. Your child is not required to undergo this vision
20 screening if an optometrist or ophthalmologist has completed
21 and signed a report form indicating that an examination has
22 been administered within the previous 12 months."

23 (2.5) With respect to the social and emotional screening
24 portion of the health examination, each child shall present
25 proof of having been examined by a physician licensed to
26 practice medicine in all of its branches within the previous

1 year, in accordance with this Section and rules adopted under
2 this Section, before October 15th of the school year. If the
3 child fails to present proof of the social and emotional
4 screening portion of the health examination by October 15th,
5 the school may hold the child's report card until one of the
6 following occurs: (i) the child presents proof of a completed
7 social and emotional screening or (ii) the child presents proof
8 that a social and emotional screening will take place within 60
9 days after October 15th. The Department of Public Health shall
10 establish, by rule, a waiver for children who show an undue
11 burden or a lack of access to a physician licensed to practice
12 medicine in all of its branches who provides social and
13 emotional screenings. Each public, private, and parochial
14 school must give notice of this social and emotional screening
15 requirement to the parents and guardians of students in
16 compliance with rules of the Department of Public Health.
17 Nothing in this Section shall be construed to allow a school to
18 exclude a child from attending because of a parent's or
19 guardian's failure to obtain a social and emotional screening
20 for the child.

21 (3) Every child shall, at or about the same time as he or
22 she receives a health examination required by subsection (1) of
23 this Section, present to the local school proof of having
24 received such immunizations against preventable communicable
25 diseases as the Department of Public Health shall require by
26 rules and regulations promulgated pursuant to this Section and

1 the Communicable Disease Prevention Act.

2 (4) The individuals conducting the health examination,
3 dental examination, or eye examination shall record the fact of
4 having conducted the examination, and such additional
5 information as required, including for a health examination
6 data relating to obesity (including at a minimum, date of
7 birth, gender, height, weight, blood pressure, and date of
8 exam), on uniform forms which the Department of Public Health
9 and the State Board of Education shall prescribe for statewide
10 use. The examiner shall summarize on the report form any
11 condition that he or she suspects indicates a need for special
12 services, including for a health examination factors relating
13 to obesity. Regarding social and emotional functioning,
14 information must be shared in a manner consistent with laws and
15 policies governing health care confidentiality. The
16 individuals confirming the administration of required
17 immunizations shall record as indicated on the form that the
18 immunizations were administered.

19 (5) If a child does not submit proof of having had either
20 the health examination or the immunization as required, then
21 the child shall be examined or receive the immunization, as the
22 case may be, and present proof by October 15 of the current
23 school year, or by an earlier date of the current school year
24 established by a school district. To establish a date before
25 October 15 of the current school year for the health
26 examination or immunization as required, a school district must

1 give notice of the requirements of this Section 60 days prior
2 to the earlier established date. If for medical reasons one or
3 more of the required immunizations must be given after October
4 15 of the current school year, or after an earlier established
5 date of the current school year, then the child shall present,
6 by October 15, or by the earlier established date, a schedule
7 for the administration of the immunizations and a statement of
8 the medical reasons causing the delay, both the schedule and
9 the statement being issued by the physician, advanced practice
10 nurse, physician assistant, registered nurse, or local health
11 department that will be responsible for administration of the
12 remaining required immunizations. If a child does not comply by
13 October 15, or by the earlier established date of the current
14 school year, with the requirements of this subsection, then the
15 local school authority shall exclude that child from school
16 until such time as the child presents proof of having had the
17 health examination as required and presents proof of having
18 received those required immunizations which are medically
19 possible to receive immediately. During a child's exclusion
20 from school for noncompliance with this subsection, the child's
21 parents or legal guardian shall be considered in violation of
22 Section 26-1 and subject to any penalty imposed by Section
23 26-10. This subsection (5) does not apply to dental
24 examinations, ~~and~~ eye examinations, or the social and emotional
25 screening portion of the health examination. If the student is
26 an out-of-state transfer student and does not have the proof

1 required under this subsection (5) before October 15 of the
2 current year or whatever date is set by the school district,
3 then he or she may only attend classes (i) if he or she has
4 proof that an appointment for the required vaccinations has
5 been scheduled with a party authorized to submit proof of the
6 required vaccinations. If the proof of vaccination required
7 under this subsection (5) is not submitted within 30 days after
8 the student is permitted to attend classes, then the student is
9 not to be permitted to attend classes until proof of the
10 vaccinations has been properly submitted. No school district or
11 employee of a school district shall be held liable for any
12 injury or illness to another person that results from admitting
13 an out-of-state transfer student to class that has an
14 appointment scheduled pursuant to this subsection (5).

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

1 Board of Education by November 15. The immunization data made
2 publicly available must be identical to the data the school
3 district or school has reported to the State Board of
4 Education.

5 Every school shall report to the State Board of Education
6 by June 30, in the manner that the State Board requires, the
7 number of children who have received the required dental
8 examination, indicating, of those who have not received the
9 required dental examination, the number of children who are
10 exempt from the dental examination on religious grounds as
11 provided in subsection (8) of this Section and the number of
12 children who have received a waiver under subsection (1.5) of
13 this Section.

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

24 The reported information under this subsection (6) shall be
25 provided to the Department of Public Health by the State Board
26 of Education.

1 (7) Upon determining that the number of pupils who are
2 required to be in compliance with subsection (5) of this
3 Section is below 90% of the number of pupils enrolled in the
4 school district, 10% of each State aid payment made pursuant to
5 Section 18-8.05 to the school district for such year may be
6 withheld by the State Board of Education until the number of
7 students in compliance with subsection (5) is the applicable
8 specified percentage or higher.

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

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

1 2015-2016 school year. Parents or legal guardians must submit
2 the Certificate of Religious Exemption to their local school
3 authority prior to entering kindergarten, sixth grade, and
4 ninth grade for each child for which they are requesting an
5 exemption. The religious objection stated need not be directed
6 by the tenets of an established religious organization.
7 However, general philosophical or moral reluctance to allow
8 physical examinations, eye examinations, immunizations, vision
9 and hearing screenings, or dental examinations does not provide
10 a sufficient basis for an exception to statutory requirements.
11 The local school authority is responsible for determining if
12 the content of the Certificate of Religious Exemption
13 constitutes a valid religious objection. The local school
14 authority shall inform the parent or legal guardian of
15 exclusion procedures, in accordance with the Department's
16 rules under Part 690 of Title 77 of the Illinois Administrative
17 Code, at the time the objection is presented.

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

24 Exempting a child from the health, dental, or eye
25 examination does not exempt the child from participation in the
26 program of physical education training provided in Sections

1 27-5 through 27-7 of this Code.

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

6 (Source: P.A. 98-673, eff. 6-30-14; 99-173, eff. 7-29-15;
7 99-249, eff. 8-3-15; revised 10-21-15.)