

1 AN ACT concerning health.

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 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
16 Department of Public Health shall promulgate, and except as
17 hereinafter provided, all children in Illinois shall have a
18 health examination as follows: within one year prior to
19 entering kindergarten or the first grade of any public,
20 private, or parochial elementary school; upon entering the
21 sixth and ninth grades of any public, private, or parochial
22 school; prior to entrance into any public, private, or

1 parochial nursery school; and, irrespective of grade,
2 immediately prior to or upon entrance into any public,
3 private, or parochial school or nursery school, each child
4 shall present proof of having been examined in accordance with
5 this Section and the rules and regulations promulgated
6 hereunder. Any child who received a health examination within
7 one year prior to entering the fifth grade for the 2007-2008
8 school year is not required to receive an additional health
9 examination in order to comply with the provisions of Public
10 Act 95-422 when he or she attends school for the 2008-2009
11 school year, unless the child is attending school for the
12 first time as provided in this paragraph.

13 A tuberculosis skin test screening shall be included as a
14 required part of each health examination included under this
15 Section if the child resides in an area designated by the
16 Department of Public Health as having a high incidence of
17 tuberculosis. Additional health examinations of pupils,
18 including eye examinations, may be required when deemed
19 necessary by school authorities. Parents are encouraged to
20 have their children undergo eye examinations at the same
21 points in time required for health examinations.

22 (1.5) In compliance with rules adopted by the Department
23 of Public Health and except as otherwise provided in this
24 Section, all children in kindergarten and the second, sixth,
25 and ninth grades of any public, private, or parochial school
26 shall have a dental examination. Each of these children shall

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

19 (1.10) Except as otherwise provided in this Section, all
20 children enrolling in kindergarten in a public, private, or
21 parochial school on or after January 1, 2008 (the effective
22 date of Public Act 95-671) and any student enrolling for the
23 first time in a public, private, or parochial school on or
24 after January 1, 2008 (the effective date of Public Act
25 95-671) shall have an eye examination. Each of these children
26 shall present proof of having been examined by a physician

1 licensed to practice medicine in all of its branches or a
2 licensed optometrist within the previous year, in accordance
3 with this Section and rules adopted under this Section, before
4 October 15th of the school year. If the child fails to present
5 proof by October 15th, the school may hold the child's report
6 card until one of the following occurs: (i) the child presents
7 proof of a completed eye examination or (ii) the child
8 presents proof that an eye examination will take place within
9 60 days after October 15th. A school may not withhold a child's
10 report card during a school year in which the Governor has
11 declared a disaster due to a public health emergency pursuant
12 to Section 7 of the Illinois Emergency Management Agency Act.
13 The Department of Public Health shall establish, by rule, a
14 waiver for children who show an undue burden or a lack of
15 access to a physician licensed to practice medicine in all of
16 its branches who provides eye examinations or to a licensed
17 optometrist. Each public, private, and parochial school must
18 give notice of this eye examination requirement to the parents
19 and guardians of students in compliance with rules of the
20 Department of Public Health. Nothing in this Section shall be
21 construed to allow a school to exclude a child from attending
22 because of a parent's or guardian's failure to obtain an eye
23 examination for the child.

24 (2) The Department of Public Health shall promulgate rules
25 and regulations specifying the examinations and procedures
26 that constitute a health examination, which shall include an

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

1 minimum, must recommend the use of validated screening tools
2 appropriate to the child's age or grade, and, with regard to
3 the social and emotional screening, require recording only
4 whether or not the screening was completed. The rules shall
5 take into consideration the screening recommendations of the
6 American Academy of Pediatrics and must be consistent with the
7 State Board of Education's social and emotional learning
8 standards. The Department of Public Health shall specify that
9 a diabetes screening as defined by rule shall be included as a
10 required part of each health examination. Diabetes testing is
11 not required.

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

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

26 (2.5) With respect to the developmental screening and the

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

1 evaluations and services as indicated on the form and in other
2 information and documentation provided by the parents,
3 guardians, or provider.

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

11 (4) The individuals conducting the health examination,
12 dental examination, or eye examination shall record the fact
13 of having conducted the examination, and such additional
14 information as required, including for a health examination
15 data relating to asthma and obesity (including at a minimum,
16 date of birth, gender, height, weight, blood pressure, and
17 date of exam), on uniform forms which the Department of Public
18 Health and the State Board of Education shall prescribe for
19 statewide use. The examiner shall summarize on the report form
20 any condition that he or she suspects indicates a need for
21 special services, including for a health examination factors
22 relating to asthma or obesity. The duty to summarize on the
23 report form does not apply to social and emotional screenings.
24 The confidentiality of the information and records relating to
25 the developmental screening and the social and emotional
26 screening shall be determined by the statutes, rules, and

1 professional ethics governing the type of provider conducting
2 the screening. The individuals confirming the administration
3 of required immunizations shall record as indicated on the
4 form that the immunizations were administered.

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

1 the requirements of this subsection, then the local school
2 authority shall exclude that child from school until such time
3 as the child presents proof of having had the health
4 examination as required and presents proof of having received
5 those required immunizations which are medically possible to
6 receive immediately. During a child's exclusion from school
7 for noncompliance with this subsection, the child's parents or
8 legal guardian shall be considered in violation of Section
9 26-1 and subject to any penalty imposed by Section 26-10. This
10 subsection (5) does not apply to dental examinations, eye
11 examinations, and the developmental screening and the social
12 and emotional screening portions of the health examination. If
13 the student is an out-of-state transfer student and does not
14 have the proof required under this subsection (5) before
15 October 15 of the current year or whatever date is set by the
16 school district, then he or she may only attend classes (i) if
17 he or she has proof that an appointment for the required
18 vaccinations has been scheduled with a party authorized to
19 submit proof of the required vaccinations. If the proof of
20 vaccination required under this subsection (5) is not
21 submitted within 30 days after the student is permitted to
22 attend classes, then the student is not to be permitted to
23 attend classes until proof of the vaccinations has been
24 properly submitted. No school district or employee of a school
25 district shall be held liable for any injury or illness to
26 another person that results from admitting an out-of-state

1 transfer student to class that has an appointment scheduled
2 pursuant to this subsection (5).

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

19 Every school shall report to the State Board of Education
20 by June 30, in the manner that the State Board requires, the
21 number of children who have received the required dental
22 examination, indicating, of those who have not received the
23 required dental examination, the number of children who are
24 exempt from the dental examination on religious grounds as
25 provided in subsection (8) of this Section and the number of
26 children who have received a waiver under subsection (1.5) of

1 this Section.

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

12 The reported information under this subsection (6) shall
13 be provided to the Department of Public Health by the State
14 Board of Education.

15 (7) Upon determining that the number of pupils who are
16 required to be in compliance with subsection (5) of this
17 Section is below 90% of the number of pupils enrolled in the
18 school district, 10% of each State aid payment made pursuant
19 to Section 18-8.05 or 18-8.15 to the school district for such
20 year may be withheld by the State Board of Education until the
21 number of students in compliance with subsection (5) is the
22 applicable specified percentage or higher.

23 (8) Children of parents or legal guardians who object to
24 health, dental, or eye examinations or any part thereof, to
25 immunizations, or to vision and hearing screening tests on
26 religious grounds shall not be required to undergo the

1 examinations, tests, or immunizations to which they so object
2 if such parents or legal guardians present to the appropriate
3 local school authority a signed Certificate of Religious
4 Exemption detailing the grounds for objection and the specific
5 immunizations, tests, or examinations to which they object.
6 The grounds for objection must set forth the specific
7 religious belief that conflicts with the examination, test,
8 immunization, or other medical intervention. The signed
9 certificate shall also reflect the parent's or legal
10 guardian's understanding of the school's exclusion policies in
11 the case of a vaccine-preventable disease outbreak or
12 exposure. The certificate must also be signed by the
13 authorized examining health care provider responsible for the
14 performance of the child's health examination confirming that
15 the provider provided education to the parent or legal
16 guardian on the benefits of immunization and the health risks
17 to the student and to the community of the communicable
18 diseases for which immunization is required in this State.
19 However, the health care provider's signature on the
20 certificate reflects only that education was provided and does
21 not allow a health care provider grounds to determine a
22 religious exemption. Those receiving immunizations required
23 under this Code shall be provided with the relevant vaccine
24 information statements that are required to be disseminated by
25 the federal National Childhood Vaccine Injury Act of 1986,
26 which may contain information on circumstances when a vaccine

1 should not be administered, prior to administering a vaccine.
2 A healthcare provider may consider including without
3 limitation the nationally accepted recommendations from
4 federal agencies such as the Advisory Committee on
5 Immunization Practices, the information outlined in the
6 relevant vaccine information statement, and vaccine package
7 inserts, along with the healthcare provider's clinical
8 judgment, to determine whether any child may be more
9 susceptible to experiencing an adverse vaccine reaction than
10 the general population, and, if so, the healthcare provider
11 may exempt the child from an immunization or adopt an
12 individualized immunization schedule. The Certificate of
13 Religious Exemption shall be created by the Department of
14 Public Health and shall be made available and used by parents
15 and legal guardians by the beginning of the 2015-2016 school
16 year. Parents or legal guardians must submit the Certificate
17 of Religious Exemption to their local school authority prior
18 to entering kindergarten, sixth grade, and ninth grade for
19 each child for which they are requesting an exemption. The
20 religious objection stated need not be directed by the tenets
21 of an established religious organization. However, general
22 philosophical or moral reluctance to allow physical
23 examinations, eye examinations, immunizations, vision and
24 hearing screenings, or dental examinations does not provide a
25 sufficient basis for an exception to statutory requirements.
26 The local school authority is responsible for determining if

1 the content of the Certificate of Religious Exemption
2 constitutes a valid religious objection. The local school
3 authority shall inform the parent or legal guardian of
4 exclusion procedures, in accordance with the Department's
5 rules under Part 690 of Title 77 of the Illinois
6 Administrative Code, at the time the objection is presented.

7 If the physical condition of the child is such that any one
8 or more of the immunizing agents should not be administered,
9 the examining physician, advanced practice registered nurse,
10 or physician assistant responsible for the performance of the
11 health examination shall endorse that fact upon the health
12 examination form.

13 Exempting a child from the health, dental, or eye
14 examination does not exempt the child from participation in
15 the program of physical education training provided in
16 Sections 27-5 through 27-7 of this Code.

17 (8.5) The school board of a school district shall include
18 informational materials regarding influenza and influenza
19 vaccinations developed, provided, or approved by the
20 Department of Public Health under Section 2310-700 of the
21 Department of Public Health Powers and Duties Law of the Civil
22 Administrative Code of Illinois when the board provides
23 information on immunizations, infectious diseases,
24 medications, or other school health issues to the parents or
25 guardians of students.

26 (9) For the purposes of this Section, "nursery schools"

1 means those nursery schools operated by elementary school
2 systems or secondary level school units or institutions of
3 higher learning.

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

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

7 (410 ILCS 205/4.5 new)

8 Sec. 4.5. Color discrimination tests mandatory.
9 Notwithstanding any other provision of law to the contrary,
10 color discrimination tests shall be performed in all vision
11 screening services under this Act. The Department of Public
12 Health shall file rules with the Joint Committee on
13 Administrative Rules within 180 days after the effective date
14 of this amendatory Act of the 104th General Assembly.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.