



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

#### HB5432

Introduced 1/31/2022, by Rep. Deanne M. Mazzochi

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.192 new	
105 ILCS 5/10-20.12a	from Ch. 122, par. 10-20.12a
105 ILCS 5/27-8.1	from Ch. 122, par. 27-8.1
410 ILCS 315/2f new	

Amends the School Code and the Communicable Disease Prevention Act. Provides that, beginning with the 2022-2023 school year, in any school district in which students are required to receive an immunization against COVID-19 in order to attend the schools of the district and a student is prohibited from attending school for refusal to receive immunization against COVID-19, the student's parent or guardian may request an educational voucher to be used to cover the necessary costs and fees of education at a nonpublic school or to cover the cost of non-resident tuition at a school district in which the student's parent or guardian enrolls the student due to the school district not having a COVID-19 immunization requirement. Provides that the voucher shall be in the amount of \$5,000 for the school year and may come from the school district's allotment of evidence-based funding or in a credit against residential property taxes imposed under the Property Tax Code. Includes procedures for requesting the voucher, using the voucher, and responsibilities of the parent of the student and school district accepting the transferring student, including charging no more than the \$5,000 provided for from the voucher. Provides that, for the 10-year period following full approval of a COVID-19 immunization by the United States Food and Drug Administration, a school district may require the children attending the schools of the district to receive a COVID-19 immunization that has been fully approved by the United States Food and Drug Administration; however, the Department of Public Health may not adopt any rules to require children to receive an immunization against COVID-19 during that same 10-year period. Includes requirements for school districts which require immunization. Effective immediately.

LRB102 24088 CMG 33312 b

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 School Code is amended by changing Sections  
5 10-20.12a and 27-8.1 and by adding Section 2-3.192 as follows:

6 (105 ILCS 5/2-3.192 new)

7 Sec. 2-3.192. Educational vouchers; COVID-19 immunization.

8 (a) In this Section, "necessary costs and fees" includes  
9 the customary charge for instruction and use of facilities in  
10 general and the additional fixed fees charged for specified  
11 purposes that are required generally of students at nonpublic  
12 schools for each academic year, including costs associated  
13 with student assessments.

14 (b) Beginning with the 2022-2023 school year, in any  
15 school district in which students are required to receive an  
16 immunization against COVID-19 in order to attend the schools  
17 of the district, if a student is prohibited from attending  
18 school for refusal to receive immunization against COVID-19,  
19 then the student's parent or guardian may request an  
20 educational voucher to be used to cover the necessary costs  
21 and fees of education at a nonpublic school or to cover the  
22 cost of non-resident tuition established under Section  
23 10-20.12a at a school district in which the student's parent

1 or guardian enrolls the student due to the school district not  
2 having a COVID-19 immunization requirement.

3 (c) A voucher issued under this Section shall be in the  
4 amount of \$5,000 per student for the school year in which the  
5 COVID-19 immunization is required and the student is  
6 prohibited from attending the school. The parent or guardian  
7 may request the \$5,000 voucher be expended from the school  
8 district's allotment of evidence-based funding under Section  
9 18-8.15 of this Code or in a credit against residential  
10 property taxes imposed under the Property Tax Code for  
11 residential property owned by the parent or guardian and owed  
12 in the taxable year covering the school year in which the  
13 student is prohibited from attending the school. If the  
14 student's parent or guardian requests that the educational  
15 voucher be in the form of \$5,000 from the school district's  
16 allotment of evidence-based funding, then the school district  
17 shall provide the voucher directly to the nonpublic school or  
18 other school district not requiring immunization against  
19 COVID-19 on behalf of the student. If the student's parent or  
20 guardian requests the educational voucher be in the form of a  
21 credit against the residential property taxes imposed on  
22 property owned by the parent or guardian, the parent or  
23 guardian shall inform the county collector as soon as  
24 practicable that the parent or guardian is requesting the  
25 credit be applied to their property tax bill in the taxable  
26 year in which they are requesting the credit.

1       (d) The State Board of Education and the Department of  
2 Revenue shall adopt rules necessary to implement the  
3 provisions of this Section.

4           (105 ILCS 5/10-20.12a) (from Ch. 122, par. 10-20.12a)

5           Sec. 10-20.12a. Tuition for non-resident pupils.

6           (a) To charge non-resident pupils who attend the schools  
7 of the district tuition in an amount not exceeding 110% of the  
8 per capita cost of maintaining the schools of the district for  
9 the preceding school year.

10          Such per capita cost shall be computed by dividing the  
11 total cost of conducting and maintaining the schools of the  
12 district by the average daily attendance, including tuition  
13 pupils. Depreciation on the buildings and equipment of the  
14 schools of the district, and the amount of annual depreciation  
15 on such buildings and equipment shall be dependent upon the  
16 useful life of such property.

17          The tuition charged shall in no case exceed 110% of the per  
18 capita cost of conducting and maintaining the schools of the  
19 district attended, as determined with reference to the most  
20 recent audit prepared under Section 3-7 which is available at  
21 the commencement of the current school year. Non-resident  
22 pupils attending the schools of the district for less than the  
23 school term shall have their tuition apportioned, however  
24 pupils who become non-resident during a school term shall not  
25 be charged tuition for the remainder of the school term in

1 which they became non-resident pupils.

2 (b) Unless otherwise agreed to by the parties involved and  
3 where the educational services are not otherwise provided for,  
4 educational services for an Illinois student under the age of  
5 21 (and not eligible for services pursuant to Article 14 of  
6 this Code) in any residential program shall be provided by the  
7 district in which the facility is located and financed as  
8 follows. The cost of educational services shall be paid by the  
9 district in which the student resides in an amount equal to the  
10 cost of providing educational services in the residential  
11 facility. Payments shall be made by the district of the  
12 student's residence and shall be made to the district wherein  
13 the facility is located no less than once per month unless  
14 otherwise agreed to by the parties.

15 The funding provision of this subsection (b) applies to  
16 all Illinois students under the age of 21 (and not eligible for  
17 services pursuant to Article 14 of this Code) receiving  
18 educational services in residential facilities, irrespective  
19 of whether the student was placed therein pursuant to this  
20 Code or the Juvenile Court Act of 1987 or by an Illinois public  
21 agency or a court. The changes to this subsection (b) made by  
22 this amendatory Act of the 95th General Assembly apply to all  
23 placements in effect on July 1, 2007 and all placements  
24 thereafter. For purposes of this subsection (b), a student's  
25 district of residence shall be determined in accordance with  
26 subsection (a) of Section 10-20.12b of this Code. The

1 placement of a student in a residential facility shall not  
2 affect the residency of the student. When a dispute arises  
3 over the determination of the district of residence under this  
4 subsection (b), any person or entity, including without  
5 limitation a school district or residential facility, may make  
6 a written request for a residency decision to the State  
7 Superintendent of Education, who, upon review of materials  
8 submitted and any other items or information he or she may  
9 request for submission, shall issue his or her decision in  
10 writing. The decision of the State Superintendent of Education  
11 is final.

12 (c) If a non-resident pupil enrolls in a school district  
13 using an educational voucher established in Section 2-3.192,  
14 the school district may not charge the non-resident pupil more  
15 than the \$5,000 provided for from the educational voucher,  
16 regardless of the per capita cost calculated in subsection (a)  
17 of this Section. If the per capita cost is less than \$5,000,  
18 the school district in which the non-resident pupil is  
19 enrolling in shall retain the remainder of the educational  
20 voucher provided by the school district in which the pupil was  
21 previously enrolled in.

22 (Source: P.A. 95-844, eff. 8-15-08; 95-938, eff. 8-29-08.)

23 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

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

25 (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, and a glaucoma  
16 evaluation, as well as any other tests or observations that in  
17 the professional judgment of the doctor are necessary. Vision  
18 and hearing screening tests, which shall not be considered  
19 examinations as that term is used in this Section, shall be  
20 conducted in accordance with rules and regulations of the  
21 Department of Public Health, and by individuals whom the  
22 Department of Public Health has certified. In these rules and  
23 regulations, the Department of Public Health shall require  
24 that individuals conducting vision screening tests give a  
25 child's parent or guardian written notification, before the  
26 vision screening is conducted, that states, "Vision screening

1 is not a substitute for a complete eye and vision evaluation by  
2 an eye doctor. Your child is not required to undergo this  
3 vision screening if an optometrist or ophthalmologist has  
4 completed and signed a report form indicating that an  
5 examination has been administered within the previous 12  
6 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 (3.5) For the 10-year period following full approval of a  
19 COVID-19 immunization by the United States Food and Drug  
20 Administration, a school district may require the children  
21 attending the schools of the district to receive a COVID-19  
22 immunization that has been fully approved by the United States  
23 Food and Drug Administration; however, the Department of  
24 Public Health may not adopt any rules to require children to  
25 receive an immunization against COVID-19 during that same  
26 10-year period. Prior to requiring any child enrolled in the

1 school district to receive an immunization against COVID-19,  
2 the school board of the school district shall confirm the  
3 findings of the United States Food and Drug Administration on  
4 the efficacy of the immunization that has been fully approved.  
5 If a school district does require immunization against  
6 COVID-19, the school district must consider a child's natural  
7 immunity against COVID-19 prior to requiring the child to  
8 receive an immunization. The child's parent or guardian may  
9 provide the school district with acceptable proof of natural  
10 immunity, including, but not limited to, laboratory evidence  
11 of immunity or proof of prior COVID-19 infection verified with  
12 date of illness signed by a physician licensed to practice  
13 medicine in all its branches in this State. If any child and  
14 his or her parent or guardian refuse to ensure the child is  
15 immunized against COVID-19, the school district shall provide  
16 appropriate accommodations to the child to ensure his or her  
17 education is not interrupted by the school district's  
18 requirement that the child be immunized against COVID-19. As  
19 used in this item (3.5), "appropriate accommodations"  
20 includes, but is not limited to, helping a parent or guardian  
21 receive an educational voucher established under Section  
22 2-3.192 of this Code and working with the child and the child's  
23 parent or guardian to enroll in a school district that does not  
24 require immunization.

25 (4) The individuals conducting the health examination,  
26 dental examination, or eye examination shall record the fact

1 of having conducted the examination, and such additional  
2 information as required, including for a health examination  
3 data relating to asthma and obesity (including at a minimum,  
4 date of birth, gender, height, weight, blood pressure, and  
5 date of exam), on uniform forms which the Department of Public  
6 Health and the State Board of Education shall prescribe for  
7 statewide use. The examiner shall summarize on the report form  
8 any condition that he or she suspects indicates a need for  
9 special services, including for a health examination factors  
10 relating to asthma or obesity. The duty to summarize on the  
11 report form does not apply to social and emotional screenings.  
12 The confidentiality of the information and records relating to  
13 the developmental screening and the social and emotional  
14 screening shall be determined by the statutes, rules, and  
15 professional ethics governing the type of provider conducting  
16 the screening. The individuals confirming the administration  
17 of required immunizations shall record as indicated on the  
18 form that the 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  
22 the 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



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

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

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

1 district and registered nonpublic school shall make publicly  
2 available the immunization data they are required to submit to  
3 the State Board of Education by November 15. The immunization  
4 data made publicly available must be identical to the data the  
5 school district or school has reported to the State Board of  
6 Education.

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

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

26 The reported information under this subsection (6) shall

1 be provided to the Department of Public Health by the State  
2 Board of Education.

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

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

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

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

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

1 Exempting a child from the health, dental, or eye  
2 examination does not exempt the child from participation in  
3 the program of physical education training provided in  
4 Sections 27-5 through 27-7 of this Code.

5 (8.5) The school board of a school district shall include  
6 informational materials regarding influenza and influenza  
7 vaccinations and meningococcal disease and meningococcal  
8 vaccinations developed, provided, or approved by the  
9 Department of Public Health under Section 2310-700 of the  
10 Department of Public Health Powers and Duties Law of the Civil  
11 Administrative Code of Illinois when the board provides  
12 information on immunizations, infectious diseases,  
13 medications, or other school health issues to the parents or  
14 guardians of students.

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

19 (Source: P.A. 100-238, eff. 1-1-18; 100-465, eff. 8-31-17;  
20 100-513, eff. 1-1-18; 100-829, eff. 1-1-19; 100-863, eff.  
21 8-14-18; 100-977, eff. 1-1-19; 100-1011, eff. 8-21-18; 101-81,  
22 eff. 7-12-19; 101-643, eff. 6-18-20.)

23 Section 10. The Communicable Disease Prevention Act is  
24 amended by adding Section 2f as follows:

1 (410 ILCS 315/2f new)

2 Sec. 2f. COVID-19 vaccine. Notwithstanding Section 2 of  
3 this Act, for the 10-year period following full approval of a  
4 COVID-19 immunization by the United States Food and Drug  
5 Administration, a school district may require the children  
6 attending the schools of the district to receive a COVID-19  
7 immunization that has been fully approved by the United States  
8 Food and Drug Administration; however, the Department of  
9 Public Health may not adopt any rules to require children to  
10 receive an immunization against COVID-19 during that same  
11 10-year period.

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.