

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

7 (20 ILCS 2310/2310-700)

8 Sec. 2310-700. Influenza ~~and meningococcal disease~~ and  
9 vaccine information; school districts. The Department shall  
10 develop, provide, or approve and shall publish informational  
11 materials for school districts in this State regarding  
12 influenza and influenza vaccinations ~~and meningococcal disease~~  
13 ~~and meningococcal vaccinations~~ in accordance with the latest  
14 information provided by the Advisory Committee on Immunization  
15 Practices of the Centers for Disease Control and Prevention.

16 (Source: P.A. 100-977, eff. 1-1-19.)

17 (20 ILCS 2310/2310-391 rep.)

18 Section 10. The Department of Public Health Powers and  
19 Duties Law of the Civil Administrative Code of Illinois is  
20 amended by repealing Section 2310-391.

21 Section 15. The School Code is amended by changing Section

1 27-8.1 as follows:

2 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

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

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

24 A tuberculosis skin test screening shall be included as a  
25 required part of each health examination included under this

1 Section if the child resides in an area designated by the  
2 Department of Public Health as having a high incidence of  
3 tuberculosis. Additional health examinations of pupils,  
4 including eye examinations, may be required when deemed  
5 necessary by school authorities. Parents are encouraged to  
6 have their children undergo eye examinations at the same  
7 points in time required for health examinations.

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

1 dentist. Each public, private, and parochial school must give  
2 notice of this dental examination requirement to the parents  
3 and guardians of students at least 60 days before May 15th of  
4 each school year.

5 (1.10) Except as otherwise provided in this Section, all  
6 children enrolling in kindergarten in a public, private, or  
7 parochial school on or after January 1, 2008 (the effective  
8 date of Public Act 95-671) and any student enrolling for the  
9 first time in a public, private, or parochial school on or  
10 after January 1, 2008 (the effective date of Public Act  
11 95-671) shall have an eye examination. Each of these children  
12 shall present proof of having been examined by a physician  
13 licensed to practice medicine in all of its branches or a  
14 licensed optometrist within the previous year, in accordance  
15 with this Section and rules adopted under this Section, before  
16 October 15th of the school year. If the child fails to present  
17 proof by October 15th, the school may hold the child's report  
18 card until one of the following occurs: (i) the child presents  
19 proof of a completed eye examination or (ii) the child  
20 presents proof that an eye examination will take place within  
21 60 days after October 15th. A school may not withhold a child's  
22 report card during a school year in which the Governor has  
23 declared a disaster due to a public health emergency pursuant  
24 to Section 7 of the Illinois Emergency Management Agency Act.  
25 The Department of Public Health shall establish, by rule, a  
26 waiver for children who show an undue burden or a lack of

1 access to a physician licensed to practice medicine in all of  
2 its branches who provides eye examinations or to a licensed  
3 optometrist. Each public, private, and parochial school must  
4 give notice of this eye examination requirement to the parents  
5 and guardians of students in compliance with rules of the  
6 Department of Public Health. Nothing in this Section shall be  
7 construed to allow a school to exclude a child from attending  
8 because of a parent's or guardian's failure to obtain an eye  
9 examination for the child.

10 (2) The Department of Public Health shall promulgate rules  
11 and regulations specifying the examinations and procedures  
12 that constitute a health examination, which shall include an  
13 age-appropriate developmental screening, an age-appropriate  
14 social and emotional screening, and the collection of data  
15 relating to asthma and obesity (including at a minimum, date  
16 of birth, gender, height, weight, blood pressure, and date of  
17 exam), and a dental examination and may recommend by rule that  
18 certain additional examinations be performed. The rules and  
19 regulations of the Department of Public Health shall specify  
20 that 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. With respect to the developmental screening and  
25 the social and emotional screening, the Department of Public  
26 Health must, no later than January 1, 2019, develop rules and

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

24 Physicians licensed to practice medicine in all of its  
25 branches, licensed advanced practice registered nurses, or  
26 licensed physician assistants shall be responsible for the

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

1 Department of Public Health has certified. In these rules and  
2 regulations, the Department of Public Health shall require  
3 that individuals conducting vision screening tests give a  
4 child's parent or guardian written notification, before the  
5 vision screening is conducted, that states, "Vision screening  
6 is not a substitute for a complete eye and vision evaluation by  
7 an eye doctor. Your child is not required to undergo this  
8 vision screening if an optometrist or ophthalmologist has  
9 completed and signed a report form indicating that an  
10 examination has been administered within the previous 12  
11 months."

12 (2.5) With respect to the developmental screening and the  
13 social and emotional screening portion of the health  
14 examination, each child may present proof of having been  
15 screened in accordance with this Section and the rules adopted  
16 under this Section before October 15th of the school year.  
17 With regard to the social and emotional screening only, the  
18 examining health care provider shall only record whether or  
19 not the screening was completed. If the child fails to present  
20 proof of the developmental screening or the social and  
21 emotional screening portions of the health examination by  
22 October 15th of the school year, qualified school support  
23 personnel may, with a parent's or guardian's consent, offer  
24 the developmental screening or the social and emotional  
25 screening to the child. Each public, private, and parochial  
26 school must give notice of the developmental screening and



1 social and emotional screening requirements to the parents and  
2 guardians of students in compliance with the rules of the  
3 Department of Public Health. Nothing in this Section shall be  
4 construed to allow a school to exclude a child from attending  
5 because of a parent's or guardian's failure to obtain a  
6 developmental screening or a social and emotional screening  
7 for the child. Once a developmental screening or a social and  
8 emotional screening is completed and proof has been presented  
9 to the school, the school may, with a parent's or guardian's  
10 consent, make available appropriate school personnel to work  
11 with the parent or guardian, the child, and the provider who  
12 signed the screening form to obtain any appropriate  
13 evaluations and services as indicated on the form and in other  
14 information and documentation provided by the parents,  
15 guardians, or provider.

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

23 (4) The individuals conducting the health examination,  
24 dental examination, or eye examination shall record the fact  
25 of having conducted the examination, and such additional  
26 information as required, including for a health examination

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

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

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

1 October 15 of the current year or whatever date is set by the  
2 school district, then he or she may only attend classes (i) if  
3 he or she has proof that an appointment for the required  
4 vaccinations has been scheduled with a party authorized to  
5 submit proof of the required vaccinations. If the proof of  
6 vaccination required under this subsection (5) is not  
7 submitted within 30 days after the student is permitted to  
8 attend classes, then the student is not to be permitted to  
9 attend classes until proof of the vaccinations has been  
10 properly submitted. No school district or employee of a school  
11 district shall be held liable for any injury or illness to  
12 another person that results from admitting an out-of-state  
13 transfer student to class that has an appointment scheduled  
14 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  
17 shall require, the number of children who have received the  
18 necessary immunizations and the health examination (other than  
19 a dental examination or eye examination) as required,  
20 indicating, of those who have not received the immunizations  
21 and examination as required, the number of children who are  
22 exempt from health examination and immunization requirements  
23 on religious or medical grounds as provided in subsection (8).  
24 On or before December 1 of each year, every public school  
25 district and registered nonpublic school shall make publicly  
26 available the immunization data they are required to submit to

1 the State Board of Education by November 15. The immunization  
2 data made publicly available must be identical to the data the  
3 school 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  
19 exempt from the eye examination as provided in subsection (8)  
20 of this Section, the number of children who have received a  
21 waiver under subsection (1.10) of this Section, and the total  
22 number of children in noncompliance with the eye examination  
23 requirement.

24 The reported information under this subsection (6) shall  
25 be provided to the Department of Public Health by the State  
26 Board 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  
5 to Section 18-8.05 or 18-8.15 to the school district for such  
6 year may be withheld by the State Board of Education until the  
7 number of students in compliance with subsection (5) is the  
8 applicable 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.  
18 The grounds for objection must set forth the specific  
19 religious 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  
22 guardian's understanding of the school's exclusion policies in  
23 the case of a vaccine-preventable disease outbreak or  
24 exposure. The certificate must also be signed by the  
25 authorized examining health care provider responsible for the  
26 performance of the child's health examination confirming that

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

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

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

25 Exempting a child from the health, dental, or eye  
26 examination does not exempt the child from participation in



1 the program of physical education training provided in  
2 Sections 27-5 through 27-7 of this Code.

3 (8.5) The school board of a school district shall include  
4 informational materials regarding influenza and influenza  
5 vaccinations ~~and meningococcal disease and meningococcal~~  
6 ~~vaccinations~~ developed, provided, or approved by the  
7 Department of Public Health under Section 2310-700 of the  
8 Department of Public Health Powers and Duties Law of the Civil  
9 Administrative Code of Illinois when the board provides  
10 information on immunizations, infectious diseases,  
11 medications, or other school health issues to the parents or  
12 guardians of students.

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

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