

# HB5695



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

**HB5695**

by Rep. Emanuel Chris Welch

### SYNOPSIS AS INTRODUCED:

105 ILCS 5/26-1

from Ch. 122, par. 26-1

Amends the School Code. Makes technical and revisory changes in a Section concerning the compulsory school age.

LRB100 20672 AXK 36124 b

A BILL FOR

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 Section  
5 26-1 as follows:

6 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

7 Sec. 26-1. Compulsory school age; exemptions  
8 ~~age-Exemptions~~. Whoever has custody or control of any child (i)  
9 between the ~~the~~ ages of 7 and 17 years (unless the child has  
10 already graduated from high school) for school years before the  
11 2014-2015 school year or (ii) between the ages of 6 (on or  
12 before September 1) and 17 years (unless the child has already  
13 graduated from high school) beginning with the 2014-2015 school  
14 year shall cause such child to attend some public school in the  
15 district wherein the child resides the entire time it is in  
16 session during the regular school term, except as provided in  
17 Section 10-19.1, and during a required summer school program  
18 established under Section 10-22.33B; provided, that the  
19 following children shall not be required to attend the public  
20 schools:

21 1. Any child attending a private or a parochial school  
22 where children are taught the branches of education taught  
23 to children of corresponding age and grade in the public

1 schools, and where the instruction of the child in the  
2 branches of education is in the English language;

3 2. Any child who is physically or mentally unable to  
4 attend school, such disability being certified to the  
5 county or district truant officer by a competent physician  
6 licensed in Illinois to practice medicine and surgery in  
7 all its branches, a chiropractic physician licensed under  
8 the Medical Practice Act of 1987, a licensed advanced  
9 practice registered nurse, a licensed physician assistant,  
10 or a Christian Science practitioner residing in this State  
11 and listed in the Christian Science Journal; or who is  
12 excused for temporary absence for cause by the principal or  
13 teacher of the school which the child attends; the  
14 exemptions in this paragraph (2) do not apply to any female  
15 who is pregnant or the mother of one or more children,  
16 except where a female is unable to attend school due to a  
17 complication arising from her pregnancy and the existence  
18 of such complication is certified to the county or district  
19 truant officer by a competent physician;

20 3. Any child necessarily and lawfully employed  
21 according to the provisions of the law regulating child  
22 labor may be excused from attendance at school by the  
23 county superintendent of schools or the superintendent of  
24 the public school which the child should be attending, on  
25 certification of the facts by and the recommendation of the  
26 school board of the public school district in which the

1 child resides. In districts having part-time ~~part-time~~  
2 continuation schools, children so excused shall attend  
3 such schools at least 8 hours each week;

4 4. Any child over 12 and under 14 years of age while in  
5 attendance at confirmation classes;

6 5. Any child absent from a public school on a  
7 particular day or days or at a particular time of day for  
8 the reason that he is unable to attend classes or to  
9 participate in any examination, study or work requirements  
10 on a particular day or days or at a particular time of day,  
11 because the tenets of his religion forbid secular activity  
12 on a particular day or days or at a particular time of day.  
13 Each school board shall prescribe rules and regulations  
14 relative to absences for religious holidays including, but  
15 not limited to, a list of religious holidays on which it  
16 shall be mandatory to excuse a child; but nothing in this  
17 paragraph 5 shall be construed to limit the right of any  
18 school board, at its discretion, to excuse an absence on  
19 any other day by reason of the observance of a religious  
20 holiday. A school board may require the parent or guardian  
21 of a child who is to be excused from attending school due  
22 to the observance of a religious holiday to give notice,  
23 not exceeding 5 days, of the child's absence to the school  
24 principal or other school personnel. Any child excused from  
25 attending school under this paragraph 5 shall not be  
26 required to submit a written excuse for such absence after

1 returning to school;

2 6. Any child 16 years of age or older who (i) submits  
3 to a school district evidence of necessary and lawful  
4 employment pursuant to paragraph 3 of this Section and (ii)  
5 is enrolled in a graduation incentives program pursuant to  
6 Section 26-16 of this Code or an alternative learning  
7 opportunities program established pursuant to Article 13B  
8 of this Code;

9 7. A child in any of grades 6 through 12 absent from a  
10 public school on a particular day or days or at a  
11 particular time of day for the purpose of sounding "Taps"  
12 at a military honors funeral held in this State for a  
13 deceased veteran. In order to be excused under this  
14 paragraph 7, the student shall notify the school's  
15 administration at least 2 days prior to the date of the  
16 absence and shall provide the school's administration with  
17 the date, time, and location of the military honors  
18 funeral. The school's administration may waive this 2-day  
19 notification requirement if the student did not receive at  
20 least 2 days advance notice, but the student shall notify  
21 the school's administration as soon as possible of the  
22 absence. A student whose absence is excused under this  
23 paragraph 7 shall be counted as if the student attended  
24 school for purposes of calculating the average daily  
25 attendance of students in the school district. A student  
26 whose absence is excused under this paragraph 7 must be

1 allowed a reasonable time to make up school work missed  
2 during the absence. If the student satisfactorily  
3 completes the school work, the day of absence shall be  
4 counted as a day of compulsory attendance and he or she may  
5 not be penalized for that absence; and

6 8. Any child absent from a public school on a  
7 particular day or days or at a particular time of day for  
8 the reason that his or her parent or legal guardian is an  
9 active duty member of the uniformed services and has been  
10 called to duty for, is on leave from, or has immediately  
11 returned from deployment to a combat zone or combat-support  
12 postings. Such a student shall be granted 5 days of excused  
13 absences in any school year and, at the discretion of the  
14 school board, additional excused absences to visit the  
15 student's parent or legal guardian relative to such leave  
16 or deployment of the parent or legal guardian. In the case  
17 of excused absences pursuant to this paragraph 8, the  
18 student and parent or legal guardian shall be responsible  
19 for obtaining assignments from the student's teacher prior  
20 to any period of excused absence and for ensuring that such  
21 assignments are completed by the student prior to his or  
22 her return to school from such period of excused absence.

23 (Source: P.A. 99-173, eff. 7-29-15; 99-804, eff. 1-1-17;  
24 100-185, eff. 8-18-17; 100-513, eff. 1-1-18; revised 9-22-17.)