

HB3876



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3876

Introduced 10/17/2019, by

SYNOPSIS AS INTRODUCED:

105 ILCS 5/26-1
105 ILCS 5/26-2a

from Ch. 122, par. 26-1
from Ch. 122, par. 26-2a

Amends the Compulsory Attendance Article of the School Code. With respect to the exceptions to the compulsory attendance requirement, provides that absence for cause by illness shall include the mental or behavioral health of a student.

LRB101 13847 NHT 62707 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 Sections
5 26-1 and 26-2a as follows:

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

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

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

1 branches of education is in the English language;

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

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

1 school board of the public school district in which the
2 child resides. In districts having part-time continuation
3 schools, children so excused shall attend such schools at
4 least 8 hours each week;

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

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

1 required to submit a written excuse for such absence after
2 returning to school;

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

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

1 whose absence is excused under this paragraph 7 must be
2 allowed a reasonable time to make up school work missed
3 during the absence. If the student satisfactorily
4 completes the school work, the day of absence shall be
5 counted as a day of compulsory attendance and he or she may
6 not be penalized for that absence; and

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

24 (Source: P.A. 99-173, eff. 7-29-15; 99-804, eff. 1-1-17;
25 100-185, eff. 8-18-17; 100-513, eff. 1-1-18; 100-863, eff.
26 8-14-18.)

1 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

2 Sec. 26-2a. A "truant" is defined as a child who is subject
3 to compulsory school attendance and who is absent without valid
4 cause, as defined under this Section, from such attendance for
5 more than 1% but less than 5% of the past 180 school days.

6 "Valid cause" for absence shall be illness, including the
7 mental or behavioral health of the student, observance of a
8 religious holiday, death in the immediate family, or family
9 emergency, and shall include such other situations beyond the
10 control of the student, as determined by the board of education
11 in each district, or such other circumstances which cause
12 reasonable concern to the parent for the mental, emotional, or
13 physical health or safety of the student.

14 "Chronic or habitual truant" shall be defined as a child
15 who is subject to compulsory school attendance and who is
16 absent without valid cause from such attendance for 5% or more
17 of the previous 180 regular attendance days.

18 "Truant minor" is defined as a chronic truant to whom
19 supportive services, including prevention, diagnostic,
20 intervention and remedial services, alternative programs and
21 other school and community resources have been provided and
22 have failed to result in the cessation of chronic truancy, or
23 have been offered and refused.

24 A "dropout" is defined as any child enrolled in grades 9
25 through 12 whose name has been removed from the district

1 enrollment roster for any reason other than the student's
2 death, extended illness, removal for medical non-compliance,
3 expulsion, aging out, graduation, or completion of a program of
4 studies and who has not transferred to another public or
5 private school and is not known to be home-schooled by his or
6 her parents or guardians or continuing school in another
7 country.

8 "Religion" for the purposes of this Article, includes all
9 aspects of religious observance and practice, as well as
10 belief.

11 (Source: P.A. 100-810, eff. 1-1-19; 100-918, eff. 8-17-18;
12 101-81, eff. 7-12-19.)