



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4011

Introduced 1/8/2020, by Rep. Daniel Didech - Diane Pappas -
Yehiel M. Kalish

SYNOPSIS AS INTRODUCED:

105 ILCS 5/26-1

from Ch. 122, par. 26-1

Amends the Compulsory Attendance of Pupils Article of the School Code. Provides that the list of religious holidays prescribed by a school board on which it shall be mandatory to excuse a child must include Eid al-Fitr, Eid al-Adha, Diwali, Vaisakhi, Onam, Yom Kippur, and Rosh Hashanah.

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FISCAL NOTE ACT
MAY APPLY

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. 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; the
13 exemptions in this paragraph (2) do not apply to any female
14 who is pregnant or the mother of one or more children,
15 except where a female is unable to attend school due to a
16 complication arising from her pregnancy and the existence
17 of such complication is certified to the county or district
18 truant officer by a competent physician;

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

1 schools, children so excused shall attend such schools at
2 least 8 hours each week;

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

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

1 school under this paragraph 5 shall not be required to
2 submit a written excuse for such absence after returning to
3 school;

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

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

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

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

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

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1 8-14-18.)