



Sen. Robert F. Martwick

Filed: 2/19/2020

10100SB2473sam001

LRB101 17205 NHT 70518 a

1 AMENDMENT TO SENATE BILL 2473

2 AMENDMENT NO. _____. Amend Senate Bill 2473 by replacing
3 everything after the enacting clause with the following:

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

1 a required summer school program established under Section
2 10-22.33B; provided, that the following children shall not be
3 required to attend the public schools:

4 1. Any child attending a private or a parochial school
5 where children are taught the branches of education taught
6 to children of corresponding age and grade in the public
7 schools, and where the instruction of the child in the
8 branches of education is in the English language;

9 2. Any child who is physically or mentally unable to
10 attend school, such disability being certified to the
11 county or district truant officer by a competent physician
12 licensed in Illinois to practice medicine and surgery in
13 all its branches, a chiropractic physician licensed under
14 the Medical Practice Act of 1987, a licensed advanced
15 practice registered nurse, a licensed physician assistant,
16 or a Christian Science practitioner residing in this State
17 and listed in the Christian Science Journal; or who is
18 excused for temporary absence for cause by the principal or
19 teacher of the school which the child attends, with absence
20 for cause by illness being required to include the mental
21 or behavioral health of the child for up to 5 days, in
22 which case the child shall be given the opportunity to make
23 up any school work missed during the mental or behavioral
24 health absence; the exemptions in this paragraph (2) do not
25 apply to any female who is pregnant or the mother of one or
26 more children, except where a female is unable to attend

1 school due to a complication arising from her pregnancy and
2 the existence of such complication is certified to the
3 county or district truant officer by a competent physician;

4 3. Any child necessarily and lawfully employed
5 according to the provisions of the law regulating child
6 labor may be excused from attendance at school by the
7 county superintendent of schools or the superintendent of
8 the public school which the child should be attending, on
9 certification of the facts by and the recommendation of the
10 school board of the public school district in which the
11 child resides. In districts having part-time continuation
12 schools, children so excused shall attend such schools at
13 least 8 hours each week;

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

16 5. Any child absent from a public school on a
17 particular day or days or at a particular time of day for
18 the reason that he is unable to attend classes or to
19 participate in any examination, study or work requirements
20 on a particular day or days or at a particular time of day,
21 because the tenets of his religion forbid secular activity
22 on a particular day or days or at a particular time of day.
23 Each school board shall prescribe rules and regulations
24 relative to absences for religious holidays including, but
25 not limited to, a list of religious holidays on which it
26 shall be mandatory to excuse a child; but nothing in this

1 paragraph 5 shall be construed to limit the right of any
2 school board, at its discretion, to excuse an absence on
3 any other day by reason of the observance of a religious
4 holiday. A school board may require the parent or guardian
5 of a child who is to be excused from attending school due
6 to the observance of a religious holiday to give notice,
7 not exceeding 5 days, of the child's absence to the school
8 principal or other school personnel. Any child excused from
9 attending school under this paragraph 5 shall not be
10 required to submit a written excuse for such absence after
11 returning to school;

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

19 7. A child in any of grades 6 through 12 absent from a
20 public school on a particular day or days or at a
21 particular time of day for the purpose of sounding "Taps"
22 at a military honors funeral held in this State for a
23 deceased veteran. In order to be excused under this
24 paragraph 7, the student shall notify the school's
25 administration at least 2 days prior to the date of the
26 absence and shall provide the school's administration with

1 the date, time, and location of the military honors
2 funeral. The school's administration may waive this 2-day
3 notification requirement if the student did not receive at
4 least 2 days advance notice, but the student shall notify
5 the school's administration as soon as possible of the
6 absence. A student whose absence is excused under this
7 paragraph 7 shall be counted as if the student attended
8 school for purposes of calculating the average daily
9 attendance of students in the school district. A student
10 whose absence is excused under this paragraph 7 must be
11 allowed a reasonable time to make up school work missed
12 during the absence. If the student satisfactorily
13 completes the school work, the day of absence shall be
14 counted as a day of compulsory attendance and he or she may
15 not be penalized for that absence; and

16 8. Any child absent from a public school on a
17 particular day or days or at a particular time of day for
18 the reason that his or her parent or legal guardian is an
19 active duty member of the uniformed services and has been
20 called to duty for, is on leave from, or has immediately
21 returned from deployment to a combat zone or combat-support
22 postings. Such a student shall be granted 5 days of excused
23 absences in any school year and, at the discretion of the
24 school board, additional excused absences to visit the
25 student's parent or legal guardian relative to such leave
26 or deployment of the parent or legal guardian. In the case

1 of excused absences pursuant to this paragraph 8, the
2 student and parent or legal guardian shall be responsible
3 for obtaining assignments from the student's teacher prior
4 to any period of excused absence and for ensuring that such
5 assignments are completed by the student prior to his or
6 her return to school from such period of excused absence.

7 (Source: P.A. 99-173, eff. 7-29-15; 99-804, eff. 1-1-17;
8 100-185, eff. 8-18-17; 100-513, eff. 1-1-18; 100-863, eff.
9 8-14-18.)

10 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

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

15 "Valid cause" for absence shall be illness, including the
16 mental or behavioral health of the student, observance of a
17 religious holiday, death in the immediate family, or family
18 emergency, and shall include such other situations beyond the
19 control of the student, as determined by the board of education
20 in each district, or such other circumstances which cause
21 reasonable concern to the parent for the mental, emotional, or
22 physical health or safety of the student.

23 "Chronic or habitual truant" shall be defined as a child
24 who is subject to compulsory school attendance and who is
25 absent without valid cause from such attendance for 5% or more

1 of the previous 180 regular attendance days.

2 "Truant minor" is defined as a chronic truant to whom
3 supportive services, including prevention, diagnostic,
4 intervention and remedial services, alternative programs and
5 other school and community resources have been provided and
6 have failed to result in the cessation of chronic truancy, or
7 have been offered and refused.

8 A "dropout" is defined as any child enrolled in grades 9
9 through 12 whose name has been removed from the district
10 enrollment roster for any reason other than the student's
11 death, extended illness, removal for medical non-compliance,
12 expulsion, aging out, graduation, or completion of a program of
13 studies and who has not transferred to another public or
14 private school and is not known to be home-schooled by his or
15 her parents or guardians or continuing school in another
16 country.

17 "Religion" for the purposes of this Article, includes all
18 aspects of religious observance and practice, as well as
19 belief.

20 (Source: P.A. 100-810, eff. 1-1-19; 100-918, eff. 8-17-18;
21 101-81, eff. 7-12-19.)".