



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0169

Introduced 1/22/2021, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

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

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

Amends the Compulsory Attendance of Pupils Article of the School Code. Provides that a child may be absent from a public school because of religious reasons, including the observance of a religious holiday or participation in religious instruction. Removes the provision that requires a school board to prescribe rules relative to absences for religious holidays, including a list of religious holidays on which it shall be mandatory to excuse a child's absence. Provides instead that a district superintendent shall develop and distribute to schools appropriate procedures with regard to an absence. Effective immediately.

LRB102 02692 CMG 12695 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 26-2b 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
13 school) beginning with the 2014-2015 school year shall cause
14 such child to attend some public school in the district
15 wherein the child resides the entire time it is in session
16 during the regular school term, except as provided in Section
17 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
13 or teacher of the school which the child attends; the
14 exemptions in this paragraph (2) do not apply to any
15 female who is pregnant or the mother of one or more
16 children, except where a female is unable to attend school
17 due to a complication arising from her pregnancy and the
18 existence of such complication is certified to the county
19 or district 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
26 the school board of the public school district in which

1 the child resides. In districts having 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
10 requirements on a particular day or days or at a
11 particular time of day because of religious reasons,
12 including the observance of a religious holiday or
13 participation in religious instruction, or, because the
14 tenets of his religion forbid secular activity on a
15 particular day or days or at a particular time of day. ~~Each~~
16 ~~school board shall prescribe rules and regulations~~
17 ~~relative to absences for religious holidays including, but~~
18 ~~not limited to, a list of religious holidays on which it~~
19 ~~shall be mandatory to excuse a child; but nothing in this~~
20 ~~paragraph 5 shall be construed to limit the right of any~~
21 ~~school board, at its discretion, to excuse an absence on~~
22 ~~any other day by reason of the observance of a religious~~
23 ~~holiday.~~ A school board may require the parent or guardian
24 of a child who is to be excused from attending school
25 because of religious reasons ~~due to the observance of a~~
26 ~~religious holiday~~ to give notice, not exceeding 5 days, of

1 the child's absence to the school principal or other
2 school personnel. Any child excused from attending school
3 under this paragraph 5 shall not be required to submit a
4 written excuse for such absence after returning to school.
5 A district superintendent shall develop and distribute to
6 schools appropriate procedures regarding a student's
7 absence for religious reasons, how schools are notified of
8 a student's impending absence for religious reasons, and
9 the requirements of Section 26-2b of this Code;

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

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

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

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

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

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

9 (105 ILCS 5/26-2b) (from Ch. 122, par. 26-2b)

10 Sec. 26-2b. Any child enrolled in a public school who is
11 unable, because of the observance of a religious holiday, to
12 attend classes on a particular day or days or at a particular
13 time of day shall be excused from any examination or any study
14 or work assignments on such particular day or days or at such
15 particular time of day. It shall be the responsibility of the
16 teachers and of the administrative officials of each public
17 school to make available to each child who is absent from
18 school because of the observance of a religious holiday an
19 equivalent opportunity to make up any examination, study or
20 work requirements which he has missed because of such absence
21 on any particular day or days or at any particular time of day.
22 No special fees of any kind shall be charged to the child for
23 making available to such child such equivalent opportunity. No
24 adverse or prejudicial effects shall result to any child
25 because of his availing himself of the provisions of this

1 Section.

2 ~~The provisions of this Section shall apply only if the~~
3 ~~rules and regulations of the school board promulgated pursuant~~
4 ~~to paragraph 5 of Section 26-1 have been complied with.~~

5 (Source: P.A. 84-212.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.