

SB1577



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1577

Introduced 2/26/2021, by Sen. Robert F. Martwick

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 for up to 5 days for which the child need not provide a medical note, in which case the child shall be given the opportunity to make up any school work missed during the mental or behavioral health absence.

LRB102 12923 CMG 18266 b

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 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
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, with
14 absence for cause by illness being required to include the
15 mental or behavioral health of the child for up to 5 days
16 for which the child need not provide a medical note, in
17 which case the child shall be given the opportunity to
18 make up any school work missed during the mental or
19 behavioral health absence; the exemptions in this
20 paragraph (2) do not apply to any female who is pregnant or
21 the mother of one or more children, except where a female
22 is unable to attend school due to a complication arising
23 from her pregnancy and the existence of such complication
24 is certified to the county or district truant officer by a
25 competent physician;

26 3. Any child necessarily and lawfully employed

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

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

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

1 of a child who is to be excused from attending school due
2 to the observance of a religious holiday to give notice,
3 not exceeding 5 days, of the child's absence to the school
4 principal or other school personnel. Any child excused
5 from attending school under this paragraph 5 shall not be
6 required to submit a written excuse for such absence after
7 returning to school;

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

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

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

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

1 absence and for ensuring that such assignments are
2 completed by the student prior to his or her return to
3 school from such period of excused absence.

4 (Source: P.A. 99-173, eff. 7-29-15; 99-804, eff. 1-1-17;
5 100-185, eff. 8-18-17; 100-513, eff. 1-1-18; 100-863, eff.
6 8-14-18.)

7 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

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

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

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

25 "Truant minor" is defined as a chronic truant to whom

1 supportive services, including prevention, diagnostic,
2 intervention and remedial services, alternative programs and
3 other school and community resources have been provided and
4 have failed to result in the cessation of chronic truancy, or
5 have been offered and refused.

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

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

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