

SB1628



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1628

Introduced 2/8/2023, by Sen. Robert F. Martwick

SYNOPSIS AS INTRODUCED:

105 ILCS 5/26-1
105 ILCS 5/26-18

from Ch. 122, par. 26-1

Amends the Compulsory Attendance Article of the School Code. In provisions regarding the compulsory school age, provides that a child whose absence is excused for up to 5 days for a mental or behavioral health reason shall be designated as taking a mental health day, which shall be equivalent to a day of compulsory attendance for purposes of reporting and calculating the child's absenteeism rate for the school year. In provisions concerning chronic absenteeism reporting and support, provides that the definition of "student" does not mean a student who is not present at school for up to 5 days for mental or behavioral health reasons.

LRB103 27033 RJT 53401 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 26-18 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 (i) shall be given the opportunity to
18 make up any school work missed during the mental or
19 behavioral health absence, (ii) ~~and~~, after the second
20 mental health day used, may be referred to the appropriate
21 school support personnel, and (iii) shall be designated as
22 taking a mental health day, which shall be equivalent to a
23 day of compulsory attendance for purposes of reporting and
24 calculating the child's absenteeism rate for the school
25 year; the exemptions in this paragraph 2 ~~(2)~~ do not apply
26 to any female who is pregnant or the mother of one or more

1 children, except where a female is unable to attend school
2 due to a complication arising from her pregnancy and the
3 existence of such complication is certified to the county
4 or district truant officer by a competent physician;

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

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

17 5. Any child absent from a public school on a
18 particular day or days or at a particular time of day for
19 the reason that he is unable to attend classes or to
20 participate in any examination, study, or work
21 requirements on a particular day or days or at a
22 particular time of day because of religious reasons,
23 including the observance of a religious holiday or
24 participation in religious instruction, or because the
25 tenets of his religion forbid secular activity on a
26 particular day or days or at a particular time of day. A

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

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

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

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

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

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

9 Any child from a public middle school or high school,
10 subject to guidelines established by the State Board of
11 Education, shall be permitted by a school board one school
12 day-long excused absence per school year for the child who is
13 absent from school to engage in a civic event. The school board
14 may require that the student provide reasonable advance notice
15 of the intended absence to the appropriate school
16 administrator and require that the student provide
17 documentation of participation in a civic event to the
18 appropriate school administrator.

19 (Source: P.A. 102-266, eff. 1-1-22; 102-321, eff. 1-1-22;
20 102-406, eff. 8-19-21; 102-813, eff. 5-13-22; 102-981, eff.
21 1-1-23.)

22 (105 ILCS 5/26-18)

23 Sec. 26-18. Chronic absenteeism report and support.

24 (a) As used in this Section:

25 "Chronic absence" means absences that total 10% or more of

1 school days of the most recent academic school year, including
2 absences with and without valid cause, as defined in Section
3 26-2a of this Code, and out-of-school suspensions for an
4 enrolled student.

5 "Student" means any enrolled student that is subject to
6 compulsory attendance under Section 26-1 of this Code but does
7 not mean a student for whom a documented homebound or hospital
8 record is on file during the student's absence from school or a
9 student who is not present at school for up to 5 days for
10 mental or behavioral health reasons pursuant to paragraph 2 of
11 Section 26-1 of this Code.

12 (b) The General Assembly finds that:

13 (1) The early years are a critical period in
14 children's learning and development. Every child should be
15 counted present every day. Every day of school matters.

16 (2) Being absent too many days from school can make it
17 difficult for students to stay on-track academically and
18 maintain the momentum to graduate from high school in
19 order to be college- or career-ready.

20 (3) Every day of school attendance matters for all
21 students and their families. It is crucial, therefore,
22 that the implications of chronic absence be understood and
23 reviewed regularly.

24 (c) Beginning July 1, 2018, every school district, charter
25 school, or alternative school or any school receiving public
26 funds shall collect and review its chronic absence data and

1 determine what systems of support and resources are needed to
2 engage chronically absent students and their families to
3 encourage the habit of daily attendance and promote success.
4 The review shall include an analysis of chronic absence data
5 from each attendance center or campus of the school district,
6 charter school, or alternative school or other school
7 receiving public funds.

8 (d) School districts, charter schools, or alternative
9 schools or any school receiving public funds are encouraged to
10 provide a system of support to students who are at risk of
11 reaching or exceeding chronic absence levels with strategies
12 such as those available through the Illinois Multi-tiered
13 Systems of Support Network. Schools additionally are
14 encouraged to make resources available to families such as
15 those available through the State Board of Education's Family
16 Engagement Framework to support and engage students and their
17 families to encourage heightened school engagement and
18 improved daily school attendance.

19 (Source: P.A. 100-156, eff. 1-1-18.)