



Sen. Robert F. Martwick

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10200HB0576sam001

LRB102 12693 CMG 26367 a

1 AMENDMENT TO HOUSE BILL 576

2 AMENDMENT NO. _____. Amend House Bill 576 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing
5 Sections 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

1 10-19.1, and during a required summer school program
2 established under Section 10-22.33B; provided, that the
3 following children shall not be required to attend the public
4 schools:

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

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

1 health day used, may be referred to the appropriate school
2 support personnel; the exemptions in this paragraph (2) do
3 not apply to any female who is pregnant or the mother of
4 one or more children, except where a female is unable to
5 attend school due to a complication arising from her
6 pregnancy and the existence of such complication is
7 certified to the county or district truant officer by a
8 competent physician;

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

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

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

1 on a particular day or days or at a particular time of day.
2 Each school board shall prescribe rules and regulations
3 relative to absences for religious holidays including, but
4 not limited to, a list of religious holidays on which it
5 shall be mandatory to excuse a child; but nothing in this
6 paragraph 5 shall be construed to limit the right of any
7 school board, at its discretion, to excuse an absence on
8 any other day by reason of the observance of a religious
9 holiday. A school board may require the parent or guardian
10 of a child who is to be excused from attending school due
11 to the observance of a religious holiday to give notice,
12 not exceeding 5 days, of the child's absence to the school
13 principal or other school personnel. Any child excused
14 from attending school under this paragraph 5 shall not be
15 required to submit a written excuse for such absence after
16 returning to school;

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

24 7. A child in any of grades 6 through 12 absent from a
25 public school on a particular day or days or at a
26 particular time of day for the purpose of sounding "Taps"

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

21 8. Any child absent from a public school on a
22 particular day or days or at a particular time of day for
23 the reason that his or her parent or legal guardian is an
24 active duty member of the uniformed services and has been
25 called to duty for, is on leave from, or has immediately
26 returned from deployment to a combat zone or

1 combat-support postings. Such a student shall be granted 5
2 days of excused absences in any school year and, at the
3 discretion of the school board, additional excused
4 absences to visit the student's parent or legal guardian
5 relative to such leave or deployment of the parent or
6 legal guardian. In the case of excused absences pursuant
7 to this paragraph 8, the student and parent or legal
8 guardian shall be responsible for obtaining assignments
9 from the student's teacher prior to any period of excused
10 absence and for ensuring that such assignments are
11 completed by the student prior to his or her return to
12 school from such period of excused absence.

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

16 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

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

22 "Valid cause" for absence shall be illness, including the
23 mental or behavioral health of the student, observance of a
24 religious holiday, death in the immediate family, or family
25 emergency, and shall include such other situations beyond the

1 control of the student, as determined by the board of
2 education in each district, or such other circumstances which
3 cause reasonable concern to the parent for the mental,
4 emotional, or physical health or safety of the student.

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

9 "Truant minor" is defined as a chronic truant to whom
10 supportive services, including prevention, diagnostic,
11 intervention and remedial services, alternative programs and
12 other school and community resources have been provided and
13 have failed to result in the cessation of chronic truancy, or
14 have been offered and refused.

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

24 "Religion" for the purposes of this Article, includes all
25 aspects of religious observance and practice, as well as
26 belief.

1 (Source: P.A. 100-810, eff. 1-1-19; 100-918, eff. 8-17-18;
2 101-81, eff. 7-12-19.)".