



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5416

Introduced 2/9/2024, by Rep. Christopher "C.D." Davidsmeyer

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/26-1

from Ch. 122, par. 26-1

Amends the Compulsory Attendance Article of the School Code. Provides that a school, school board, or school district shall require a medical note for an absence to be excused only after 9 unexcused absences. Provides that if a student's medical note states that the student should be excused for a specific period of time or if the illness stated in the medical note has a recommended isolation period issued by the United States Centers for Disease Control and Prevention, then a school, school board, or school district shall excuse all days listed in the note or for the amount of days of the recommended isolation period set by the United States Centers for Disease Control and Prevention.

LRB103 38646 RJT 68783 b

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 Section  
5 26-1 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 and, after the second mental  
20 health day used, may be referred to the appropriate school  
21 support personnel; the exemptions in this paragraph (2) do  
22 not apply to any female who is pregnant or the mother of  
23 one or more children, except where a female is unable to  
24 attend school due to a complication arising from her  
25 pregnancy and the existence of such complication is  
26 certified to the county or district truant officer by a

1           competent physician;

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

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

14           5. 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 he is unable to attend classes or to  
17 participate in any examination, study, or work  
18 requirements on a particular day or days or at a  
19 particular time of day because of religious reasons,  
20 including the observance of a religious holiday or  
21 participation in religious instruction, or because the  
22 tenets of his religion forbid secular activity on a  
23 particular day or days or at a particular time of day. A  
24 school board may require the parent or guardian of a child  
25 who is to be excused from attending school because of  
26 religious reasons 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 Any child from a public middle school or high school,  
7 subject to guidelines established by the State Board of  
8 Education, shall be permitted by a school board one school  
9 day-long excused absence per school year for the child who is  
10 absent from school to engage in a civic event. The school board  
11 may require that the student provide reasonable advance notice  
12 of the intended absence to the appropriate school  
13 administrator and require that the student provide  
14 documentation of participation in a civic event to the  
15 appropriate school administrator.

16 A school, school board, or school district shall require a  
17 medical note for an absence to be excused only after 9  
18 unexcused absences. If a student's medical note states that  
19 the student should be excused for a specific period of time or  
20 if the illness stated in the medical note has a recommended  
21 isolation period issued by the United States Centers for  
22 Disease Control and Prevention, then a school, school board,  
23 or school district shall excuse all days listed in the note or  
24 for the amount of days of the recommended isolation period set  
25 by the United States Centers for Disease Control and  
26 Prevention.

1 (Source: P.A. 102-266, eff. 1-1-22; 102-321, eff. 1-1-22;  
2 102-406, eff. 8-19-21; 102-813, eff. 5-13-22; 102-981, eff.  
3 1-1-23.)