

## ILLINOIS

- Compulsory Attendance Ages:** “between the ages of 7 and 17 years (unless the child has already graduated from high school).” 105 Illinois Compiled Statutes Annotated 5/26-1.
- Required Days of Instruction:** 176 days. 105 ILCS § 5/10-19 (Not mandatory for private or home schools).
- Required Subjects:** Language arts, biological and physical science, math, social sciences, fine arts, health and physical development. 105 ILCS § 5/27-21 through 22; Ill. Admin. Code tit. 23, §§ 1.420 – .440. Also honesty, justice, kindness and moral courage. 105 ILCS 5/27-12.

**Home School Statute:** None.

### Alternative Statutes Allowing for Home Schools:

1. 105 ILCS § 5/26-1. If a child is “attending a private or a parochial school where children are taught the branches of education taught to children of corresponding age and grade in public schools, and where the instruction of the child in the branches of education is in the English language” the child shall not be required to attend public school and the child is in compliance with Illinois compulsory attendance law. Home schools that meet these two requirements are considered legal private schools.
2. *People v. Levisen*, 404 Ill. 574, 90 N.E.2d 213 (1950) is a landmark case which held that a home school is a private school. A private school is “a place where instruction is imparted to the young ... the number of persons being taught does not determine whether a place is a school.” 404 Ill. at 576, 90 N.E.2d at 215. The Illinois Supreme Court emphasized the right of parents to control their children’s education: “Compulsory education laws are enacted to enforce the natural obligations of parents to provide an education for their young, an obligation which corresponds to the parents’ right of control over the child. (*Meyer v. Nebraska*, 262 U.S. 390, 400.) The object is that all shall be educated not that they shall be educated in any particular manner or place.” *Levisen*, 404 Ill. at 577, 90 N.E.2d at 215.
3. The *Levisen* decision noted that once a truancy action has been filed against the parents in court, they must come forward with evidence to show that they are in compliance with the law.
4. In order to avoid truancy actions, home schoolers who are contacted may wish to file a “statement of assurance” with the local school district or send form ISBE 87-01, (the “Nonpublic Registration, Enrollment and Staff Report”) to the Illinois Department of Education in order to show their good faith. This statement of assurance and the form, however, are voluntary, and parents are not required by law to initiate filing either of them. Parents who fill out either of these forms when contacted by

school authorities do so simply to indicate that their private school meets the standards required above, distinguishing themselves from actual truancy violators.

5. HB 1726 (enacted in 1989) removed the authority to investigate educational neglect from the Department of Children & Family Services. Truancy investigations are left solely to school district. 325 ILCS § 5/3.
6. The U.S. District court in *Scoma v. Chicago Board of Education*, 391 F. Supp. 452, 461 (N.D. Ill., 1974) found the *Levisen* decision to be "reasonable and constitutional."

**Teacher Qualifications:** None.

**Standardized Tests:** Not required by statute.

**Religious Freedom Act:** 775 ILCS 35/1 et seq.

The Religious Freedom Restoration Act (RFRA), passed with the help of HSLDA members, gives religious home schoolers another legal means to protect their right to home school. If the parents' free exercise of religion is substantially burdened by having to comply with the homeschool law, the parents may use the RFRA as a defense or file suit against the state. Under this statute, the burden is on the state to prove that its requirement "furthers a compelling state interest" and is the "least restrictive means" of fulfilling its interest that children be educated. This Act restores the highest protection of the individual's right to freely exercise his religious beliefs taken away by the U.S. Supreme Court in its 1997 *City of Boerne* decision. 520 U.S. 507.