

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 5/26-1.
- Required Days of Instruction:** 176 days. 105 ILCS § 5/10-19 (Not mandatory for private or home schools).
- Required Subjects:** Instruction must be in the English language. Parents must provide instruction in the same “branches of education” that children of “corresponding” age and grade receive in public school. 105 ILCS 5/26-1.1. The statute identifies the branches of education as: language arts, math, biological, physical and social sciences, fine arts, and physical development and health. 105 ILCS 5/27-1. The State Board of Education treats biological and physical science as one branch, and physical development and health as one branch. See <http://www.isbe.net/homeschool/default.htm>.

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. “Registration” and “recognition.” Public school systems often demand that homeschoolers register their private school with the Illinois State Board of Education. Registration involves submitting

certain basic information annually. However, the statute that permits most private schools to register specifically does not permit “home-based” private schools to register. See 105 ILCS 5/2-3.25o(e). Even for schools that are permitted to register under the statute, however, registration is strictly voluntary. State “recognition” can be obtained if specified additional requirements are met, but “recognition” is not available to “home-based” private schools.

5. HB 1726 (enacted in 1989) removed the Department of Children & Family Services’ authority to investigate truancy . Only the school district investigates truancy.. 325 ILCS 5/4, unnumbered paragraph 14 and 5/3, definition of “neglected child”: “A child shall not be considered neglected or abused solely because the child is not attending school ...”
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.

Education Tax Credit Available to Homeschools in Illinois: Illinois law allows homeschool families a tax credit for educational expenses under certain circumstances. For more information, see: <http://www.revenue.state.il.us/individuals/CreditsDeductions/educationexpensecredit.htm> and <http://www.revenue.state.il.us/Publications/Pubs/PUB-119.pdf>.