



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3784

by Rep. Joe Sosnowski

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/26-2  
105 ILCS 5/26-12

from Ch. 122, par. 26-2  
from Ch. 122, par. 26-12

Amends the Compulsory Attendance Article of the School Code. In a Section concerning enrolled pupils not of compulsory school age, removes provisions that allow a school or school district to deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum academic standards if certain conditions are met, and provides that no child may be denied reenrollment (instead of enrollment or reenrollment) under the Section in violation of the federal Individuals with Disabilities Education Act or the Americans with Disabilities Act. Prohibits punitive action from being taken against truant minors (rather than chronic truants) for such truancy unless available supportive services and other school resources have been provided to the student. Provides that a truant minor may not be expelled for nonattendance unless he or she has accrued 15 consecutive days of absences without valid cause and the student cannot be located by the school district or the school district has located the student but cannot, after exhausting all available support services, compel the student to return to school. Effective July 1, 2017.

LRB100 09043 NHT 21775 b

FISCAL NOTE ACT  
MAY APPLY

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 26-2 and 26-12 as follows:

6 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

7 Sec. 26-2. Enrolled pupils not of compulsory school age.

8 (a) For school years before the 2014-2015 school year, any  
9 person having custody or control of a child who is below the  
10 age of 7 years or is 17 years of age or above and who is  
11 enrolled in any of grades kindergarten through 12 in the public  
12 school shall cause him to attend the public school in the  
13 district wherein he resides when it is in session during the  
14 regular school term, unless he is excused under paragraph 2, 3,  
15 4, 5, or 6 of Section 26-1. Beginning with the 2014-2015 school  
16 year, any person having custody or control of a child who is  
17 below the age of 6 years or is 17 years of age or above and who  
18 is enrolled in any of grades kindergarten through 12 in the  
19 public school shall cause the child to attend the public school  
20 in the district wherein he or she resides when it is in session  
21 during the regular school term, unless the child is excused  
22 under paragraph 2, 3, 4, 5, or 6 of Section 26-1 of this Code.

23 (b) A school district shall deny reenrollment in its

1 secondary schools to any child 19 years of age or above who has  
2 dropped out of school and who could not, because of age and  
3 lack of credits, attend classes during the normal school year  
4 and graduate before his or her twenty-first birthday. A  
5 district may, however, enroll the child in a graduation  
6 incentives program under Section 26-16 of this Code or an  
7 alternative learning opportunities program established under  
8 Article 13B. No child shall be denied reenrollment for the  
9 above reasons unless the school district first offers the child  
10 due process as required in cases of expulsion under Section  
11 10-22.6. If a child is denied reenrollment after being provided  
12 with due process, the school district must provide counseling  
13 to that child and must direct that child to alternative  
14 educational programs, including adult education programs, that  
15 lead to graduation or receipt of a high school equivalency  
16 certificate.

17 ~~(c) A school or school district may deny enrollment to a~~  
18 ~~student 17 years of age or older for one semester for failure~~  
19 ~~to meet minimum academic standards if all of the following~~  
20 ~~conditions are met:~~

21 ~~(1) The student achieved a grade point average of less~~  
22 ~~than "D" (or its equivalent) in the semester immediately~~  
23 ~~prior to the current semester.~~

24 ~~(2) The student and the student's parent or guardian~~  
25 ~~are given written notice warning that the student is~~  
26 ~~failing academically and is subject to denial from~~

1 ~~enrollment for one semester unless a "D" average (or its~~  
2 ~~equivalent) or better is attained in the current semester.~~

3 ~~(3) The parent or guardian is provided with the right~~  
4 ~~to appeal the notice, as determined by the State Board of~~  
5 ~~Education in accordance with due process.~~

6 ~~(4) The student is provided with an academic~~  
7 ~~improvement plan and academic remediation services.~~

8 ~~(5) The student fails to achieve a "D" average (or its~~  
9 ~~equivalent) or better in the current semester.~~

10 A school or school district may deny enrollment to a  
11 student 17 years of age or older for one semester for failure  
12 to meet minimum attendance standards if all of the following  
13 conditions are met:

14 (1) The student was absent without valid cause for 20%  
15 or more of the attendance days in the semester immediately  
16 prior to the current semester.

17 (2) The student and the student's parent or guardian  
18 are given written notice warning that the student is  
19 subject to denial from enrollment for one semester unless  
20 the student is absent without valid cause less than 20% of  
21 the attendance days in the current semester.

22 (3) The student's parent or guardian is provided with  
23 the right to appeal the notice, as determined by the State  
24 Board of Education in accordance with due process.

25 (4) The student is provided with attendance  
26 remediation services, including without limitation

1 assessment, counseling, and support services.

2 (5) The student is absent without valid cause for 20%  
3 or more of the attendance days in the current semester.

4 A school or school district may not deny enrollment to a  
5 student (or reenrollment to a dropout) who is at least 17 years  
6 of age or older but below 19 years for more than one  
7 consecutive semester for failure to meet ~~academic or~~ attendance  
8 standards.

9 (d) No child may be denied ~~enrollment or~~ reenrollment under  
10 this Section in violation of the federal Individuals with  
11 Disabilities Education Act or the Americans with Disabilities  
12 Act.

13 (e) In this subsection (e), "reenrolled student" means a  
14 dropout who has reenrolled full-time in a public school. Each  
15 school district shall identify, track, and report on the  
16 educational progress and outcomes of reenrolled students as a  
17 subset of the district's required reporting on all enrollments.  
18 A reenrolled student who again drops out must not be counted  
19 again against a district's dropout rate performance measure.  
20 The State Board of Education shall set performance standards  
21 for programs serving reenrolled students.

22 (f) The State Board of Education shall adopt any rules  
23 necessary to implement the changes to this Section made by  
24 Public Act 93-803.

25 (Source: P.A. 98-544, eff. 7-1-14; 98-718, eff. 1-1-15.)

1 (105 ILCS 5/26-12) (from Ch. 122, par. 26-12)

2 Sec. 26-12. Punitive action. No punitive action, including  
3 out of school suspensions, expulsions, or court action, shall  
4 be taken against truant minors ~~chronic truants~~ for such truancy  
5 unless available supportive services and other school  
6 resources have been provided to the student. Notwithstanding  
7 the provisions of Section 10-22.6 of this Code, a truant minor  
8 may not be expelled for nonattendance unless he or she has  
9 accrued 15 consecutive days of absences without valid cause and  
10 the student cannot be located by the school district or the  
11 school district has located the student but cannot, after  
12 exhausting all available support services, compel the student  
13 to return to school.

14 (Source: P.A. 85-234.)

15 Section 99. Effective date. This Act takes effect July 1,  
16 2017.