



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2075

Introduced 2/15/2019, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.19a	from Ch. 122, par. 10-20.19a
105 ILCS 5/10-22.18	from Ch. 122, par. 10-22.18
105 ILCS 5/26-1	from Ch. 122, par. 26-1
105 ILCS 5/26-2	from Ch. 122, par. 26-2
105 ILCS 5/34-19	from Ch. 122, par. 34-19

Amends the School Code. Lowers the compulsory school age from 6 to 5 years of age beginning with the 2020-2021 school year. Requires all school districts to establish kindergarten for the instruction of children who are 5 years of age or older.

LRB101 07896 AXK 52951 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 10-20.19a, 10-22.18, 26-1, 26-2, and 34-19 as follows:

6 (105 ILCS 5/10-20.19a) (from Ch. 122, par. 10-20.19a)
7 Sec. 10-20.19a. Kindergartens. After July 1, 1970, to
8 establish and maintain kindergartens for the instruction of
9 children in accordance with rules and regulations prescribed by
10 the State Board of Education. Such kindergartens may provide
11 for either a 1/2 day or a full day of attendance for pupils
12 enrolled therein. This Section is subject to Section 10-22.18.
13 (Source: P.A. 84-18.)

14 (105 ILCS 5/10-22.18) (from Ch. 122, par. 10-22.18)
15 Sec. 10-22.18. Kindergartens. To establish kindergartens
16 for the instruction of children between the ages of 4 and 6
17 years, if in their judgment the public interest requires it,
18 and to pay the necessary expenses thereof out of the school
19 funds of the district. Upon petition of at least 50 parents or
20 guardians of children between the ages of 4 and 6, residing
21 within any school district and within one mile of the public
22 school where such kindergarten is proposed to be established,

1 the board of directors shall, if funds are available, establish
2 a kindergarten in connection with the public school designated
3 in the petition and maintain it as long as the annual average
4 daily attendance therein is not less than 15. The board may
5 establish a kindergarten with half-day attendance or with
6 full-day attendance. If the board establishes full-day
7 kindergarten, it shall also establish half-day kindergarten.
8 No one shall be employed to teach in a kindergarten who does
9 not hold a certificate as provided by law.

10 Beginning with the 2020-2021 school year, each school
11 district, including a school district organized under Article
12 34, must establish kindergarten for the instruction of children
13 who are 5 years of age or older.

14 (Source: P.A. 84-1308.)

15 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

16 Sec. 26-1. Compulsory school age; exemptions. Whoever has
17 custody or control of any child (i) ~~between the ages of 7 and~~
18 ~~17 years (unless the child has already graduated from high~~
19 ~~school) for school years before the 2014-2015 school year or~~
20 ~~(ii) between the ages of 6 (on or before September 1) and 17~~
21 ~~years (unless the child has already graduated from high school)~~
22 for school years before the 2020-2021 beginning with the
23 2014-2015 school year or (ii) between the ages of 5 (on or
24 before September 1) and 17 (unless the child has already
25 graduated from high school) beginning with the 2020-2021 school

1 year shall cause such child to attend some public school in the
2 district wherein the child resides the entire time it is in
3 session during the regular school term, except as provided in
4 Section 10-19.1, and during a required summer school program
5 established under Section 10-22.33B; provided, that the
6 following children shall not be required to attend the public
7 schools:

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

13 2. Any child who is physically or mentally unable to
14 attend school, such disability being certified to the
15 county or district truant officer by a competent physician
16 licensed in Illinois to practice medicine and surgery in
17 all its branches, a chiropractic physician licensed under
18 the Medical Practice Act of 1987, a licensed advanced
19 practice registered nurse, a licensed physician assistant,
20 or a Christian Science practitioner residing in this State
21 and listed in the Christian Science Journal; or who is
22 excused for temporary absence for cause by the principal or
23 teacher of the school which the child attends; the
24 exemptions in this paragraph (2) do not apply to any female
25 who is pregnant or the mother of one or more children,
26 except where a female is unable to attend school due to a

1 complication arising from her pregnancy and the existence
2 of such complication is certified to the county or district
3 truant officer by a competent physician;

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

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

16 5. Any child absent from a public school on a
17 particular day or days or at a particular time of day for
18 the reason that he is unable to attend classes or to
19 participate in any examination, study or work requirements
20 on a particular day or days or at a particular time of day,
21 because the tenets of his religion forbid secular activity
22 on a particular day or days or at a particular time of day.
23 Each school board shall prescribe rules and regulations
24 relative to absences for religious holidays including, but
25 not limited to, a list of religious holidays on which it
26 shall be mandatory to excuse a child; but nothing in this

1 paragraph 5 shall be construed to limit the right of any
2 school board, at its discretion, to excuse an absence on
3 any other day by reason of the observance of a religious
4 holiday. A school board may require the parent or guardian
5 of a child who is to be excused from attending school due
6 to the observance of a religious holiday to give notice,
7 not exceeding 5 days, of the child's absence to the school
8 principal or other school personnel. Any child excused from
9 attending school under this paragraph 5 shall not be
10 required to submit a written excuse for such absence after
11 returning to school;

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

19 7. A child in any of grades 6 through 12 absent from a
20 public school on a particular day or days or at a
21 particular time of day for the purpose of sounding "Taps"
22 at a military honors funeral held in this State for a
23 deceased veteran. In order to be excused under this
24 paragraph 7, the student shall notify the school's
25 administration at least 2 days prior to the date of the
26 absence and shall provide the school's administration with

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

16 8. Any child absent from a public school on a
17 particular day or days or at a particular time of day for
18 the reason that his or her parent or legal guardian is an
19 active duty member of the uniformed services and has been
20 called to duty for, is on leave from, or has immediately
21 returned from deployment to a combat zone or combat-support
22 postings. Such a student shall be granted 5 days of excused
23 absences in any school year and, at the discretion of the
24 school board, additional excused absences to visit the
25 student's parent or legal guardian relative to such leave
26 or deployment of the parent or legal guardian. In the case

1 of excused absences pursuant to this paragraph 8, the
2 student and parent or legal guardian shall be responsible
3 for obtaining assignments from the student's teacher prior
4 to any period of excused absence and for ensuring that such
5 assignments are completed by the student prior to his or
6 her return to school from such period of excused absence.

7 (Source: P.A. 99-173, eff. 7-29-15; 99-804, eff. 1-1-17;
8 100-185, eff. 8-18-17; 100-513, eff. 1-1-18; 100-863, eff.
9 8-14-18.)

10 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

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

12 (a) For school years before the 2020-2021 ~~2014-2015 school~~
13 ~~year, any person having custody or control of a child who is~~
14 ~~below the age of 7 years or is 17 years of age or above and who~~
15 ~~is enrolled in any of grades kindergarten through 12 in the~~
16 ~~public school shall cause him to attend the public school in~~
17 ~~the district wherein he resides when it is in session during~~
18 ~~the regular school term, unless he is excused under paragraph~~
19 ~~2, 3, 4, 5, or 6 of Section 26-1. Beginning with the 2014-2015~~
20 school year, any person having custody or control of a child
21 who is below the age of 6 years or is 17 years of age or above
22 and who is enrolled in any of grades kindergarten through 12 in
23 the public school shall cause the child to attend the public
24 school in the district wherein he or she resides when it is in
25 session during the regular school term, unless the child is

1 excused under paragraph 2, 3, 4, 5, or 6 of Section 26-1 of
2 this Code. Beginning with the 2020-2021 school year, any person
3 having custody or control of a child who is below the age of 5
4 years or is 17 years of age or above and who is enrolled in any
5 of grades kindergarten through 12 in the public school shall
6 cause the child to attend the public school in the district
7 wherein he or she resides when it is in session during the
8 regular school term, unless the child is excused under
9 paragraph 2, 3, 4, 5, or 6 of Section 26-1 of this Code.

10 (b) A school district shall deny reenrollment in its
11 secondary schools to any child 19 years of age or above who has
12 dropped out of school and who could not, because of age and
13 lack of credits, attend classes during the normal school year
14 and graduate before his or her twenty-first birthday. A
15 district may, however, enroll the child in a graduation
16 incentives program under Section 26-16 of this Code or an
17 alternative learning opportunities program established under
18 Article 13B. No child shall be denied reenrollment for the
19 above reasons unless the school district first offers the child
20 due process as required in cases of expulsion under Section
21 10-22.6. If a child is denied reenrollment after being provided
22 with due process, the school district must provide counseling
23 to that child and must direct that child to alternative
24 educational programs, including adult education programs, that
25 lead to graduation or receipt of a high school equivalency
26 certificate.

1 (c) A school or school district may deny enrollment to a
2 student 17 years of age or older for one semester for failure
3 to meet minimum attendance standards if all of the following
4 conditions are met:

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

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

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

16 (4) The student is provided with attendance
17 remediation services, including without limitation
18 assessment, counseling, and support services.

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

21 A school or school district may not deny enrollment to a
22 student (or reenrollment to a dropout) who is at least 17 years
23 of age or older but below 19 years for more than one
24 consecutive semester for failure to meet attendance standards.

25 (d) No child may be denied reenrollment under this Section
26 in violation of the federal Individuals with Disabilities

1 Education Act or the Americans with Disabilities Act.

2 (e) In this subsection (e), "reenrolled student" means a
3 dropout who has reenrolled full-time in a public school. Each
4 school district shall identify, track, and report on the
5 educational progress and outcomes of reenrolled students as a
6 subset of the district's required reporting on all enrollments.
7 A reenrolled student who again drops out must not be counted
8 again against a district's dropout rate performance measure.
9 The State Board of Education shall set performance standards
10 for programs serving reenrolled students.

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

14 (Source: P.A. 100-825, eff. 8-13-18.)

15 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

16 Sec. 34-19. By-laws, rules and regulations; business
17 transacted at regular meetings; voting; records. The board
18 shall, subject to the limitations in this Article, establish
19 by-laws, rules and regulations, which shall have the force of
20 ordinances, for the proper maintenance of a uniform system of
21 discipline for both employees and pupils, and for the entire
22 management of the schools, and may fix the school age of
23 pupils, the minimum of which in kindergartens (which, beginning
24 with the 2020-2021 school year, must be established under
25 Section 10-22.18 for children 5 years of age or older) shall

1 not be under 4 years, except that, based upon an assessment of
2 the child's readiness, children who have attended a non-public
3 preschool and continued their education at that school through
4 kindergarten, were taught in kindergarten by an appropriately
5 certified teacher, and will attain the age of 6 years on or
6 before December 31 of the year of the 2009-2010 school term and
7 each school term thereafter may attend first grade upon
8 commencement of such term, and in grade schools shall not be
9 under 6 years. It may expel, suspend or, subject to the
10 limitations of all policies established or adopted under
11 Section 10-22.6 or 14-8.05, otherwise discipline any pupil
12 found guilty of gross disobedience, misconduct, or other
13 violation of the by-laws, rules, and regulations, including
14 gross disobedience or misconduct perpetuated by electronic
15 means. An expelled pupil may be immediately transferred to an
16 alternative program in the manner provided in Article 13A or
17 13B of this Code. A pupil must not be denied transfer because
18 of the expulsion, except in cases in which such transfer is
19 deemed to cause a threat to the safety of students or staff in
20 the alternative program. A pupil who is suspended in excess of
21 20 school days may be immediately transferred to an alternative
22 program in the manner provided in Article 13A or 13B of this
23 Code. A pupil must not be denied transfer because of the
24 suspension, except in cases in which such transfer is deemed to
25 cause a threat to the safety of students or staff in the
26 alternative program. The bylaws, rules and regulations of the

1 board shall be enacted, money shall be appropriated or
2 expended, salaries shall be fixed or changed, and textbooks,
3 electronic textbooks, and courses of instruction shall be
4 adopted or changed only at the regular meetings of the board
5 and by a vote of a majority of the full membership of the
6 board; provided that notwithstanding any other provision of
7 this Article or the School Code, neither the board or any local
8 school council may purchase any textbook for use in any public
9 school of the district from any textbook publisher that fails
10 to furnish any computer diskettes as required under Section
11 28-21. Funds appropriated for textbook purchases must be
12 available for electronic textbook purchases and the
13 technological equipment necessary to gain access to and use
14 electronic textbooks at the local school council's discretion.
15 The board shall be further encouraged to provide opportunities
16 for public hearing and testimony before the adoption of bylaws,
17 rules and regulations. Upon all propositions requiring for
18 their adoption at least a majority of all the members of the
19 board the yeas and nays shall be taken and reported. The
20 by-laws, rules and regulations of the board shall not be
21 repealed, amended or added to, except by a vote of 2/3 of the
22 full membership of the board. The board shall keep a record of
23 all its proceedings. Such records and all by-laws, rules and
24 regulations, or parts thereof, may be proved by a copy thereof
25 certified to be such by the secretary of the board, but if they
26 are printed in book or pamphlet form which are purported to be

1 published by authority of the board they need not be otherwise
2 published and the book or pamphlet shall be received as
3 evidence, without further proof, of the records, by-laws, rules
4 and regulations, or any part thereof, as of the dates thereof
5 as shown in such book or pamphlet, in all courts and places
6 where judicial proceedings are had.

7 Notwithstanding any other provision in this Article or in
8 the School Code, the board may delegate to the general
9 superintendent or to the attorney the authorities granted to
10 the board in the School Code, provided such delegation and
11 appropriate oversight procedures are made pursuant to board
12 by-laws, rules and regulations, adopted as herein provided,
13 except that the board may not delegate its authorities and
14 responsibilities regarding (1) budget approval obligations;
15 (2) rule-making functions; (3) desegregation obligations; (4)
16 real estate acquisition, sale or lease in excess of 10 years as
17 provided in Section 34-21; (5) the levy of taxes; or (6) any
18 mandates imposed upon the board by "An Act in relation to
19 school reform in cities over 500,000, amending Acts herein
20 named", approved December 12, 1988 (P.A. 85-1418).

21 (Source: P.A. 99-456, eff. 9-15-16.)