



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### HB3143

Introduced 2/17/2023, by Rep. Mary Beth Canty

#### 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 2023-2024 school year. Requires all school districts to establish kindergarten for the instruction of children who are 5 years of age or older. Effective immediately.

LRB103 26997 RJT 53364 b

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  
10 by the State Board of Education. Such kindergartens may  
11 provide for either a 1/2 day or a full day of attendance for  
12 pupils enrolled therein.

13 This Section is repealed on July 1, 2023.

14 (Source: P.A. 84-18.)

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

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

11 Beginning with the 2023-2024 school year, each school  
12 district, including a school district organized under Article  
13 34, must establish kindergarten for the instruction of  
14 children who are 5 years of age or older.

15 (Source: P.A. 102-894, eff. 5-20-22.)

16 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

17 Sec. 26-1. Compulsory school age; exemptions. Whoever has  
18 custody or control of any child (i) ~~between the ages of 7 and~~  
19 ~~17 years (unless the child has already graduated from high~~  
20 ~~school) for school years before the 2014-2015 school year or~~  
21 ~~(ii)~~ between the ages of 6 (on or before September 1) and 17  
22 years (unless the child has already graduated from high  
23 school) for school years before the 2023-2024 beginning with  
24 the 2014-2015 school year or (ii) between the ages of 5 (on or  
25 before September 1) and 17 (unless the child has already

1 graduated from high school) beginning with the 2023-2024  
2 school year shall cause such child to attend some public  
3 school in the district wherein the child resides the entire  
4 time it is in session during the regular school term, except as  
5 provided in Section 10-19.1, and during a required summer  
6 school program established under Section 10-22.33B; provided,  
7 that the following children shall not be required to attend  
8 the public schools:

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

14           2. Any child who is physically or mentally unable to  
15           attend school, such disability being certified to the  
16           county or district truant officer by a competent physician  
17           licensed in Illinois to practice medicine and surgery in  
18           all its branches, a chiropractic physician licensed under  
19           the Medical Practice Act of 1987, a licensed advanced  
20           practice registered nurse, a licensed physician assistant,  
21           or a Christian Science practitioner residing in this State  
22           and listed in the Christian Science Journal; or who is  
23           excused for temporary absence for cause by the principal  
24           or teacher of the school which the child attends, with  
25           absence for cause by illness being required to include the  
26           mental or behavioral health of the child for up to 5 days

1 for which the child need not provide a medical note, in  
2 which case the child shall be given the opportunity to  
3 make up any school work missed during the mental or  
4 behavioral health absence and, after the second mental  
5 health day used, may be referred to the appropriate school  
6 support personnel; the exemptions in this paragraph (2) do  
7 not apply to any female who is pregnant or the mother of  
8 one or more children, except where a female is unable to  
9 attend school due to a complication arising from her  
10 pregnancy and the existence of such complication is  
11 certified to the county or district truant officer by a  
12 competent physician;

13 3. Any child necessarily and lawfully employed  
14 according to the provisions of the law regulating child  
15 labor may be excused from attendance at school by the  
16 county superintendent of schools or the superintendent of  
17 the public school which the child should be attending, on  
18 certification of the facts by and the recommendation of  
19 the school board of the public school district in which  
20 the child resides. In districts having part-time  
21 continuation schools, children so excused shall attend  
22 such schools at least 8 hours each week;

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

25 5. Any child absent from a public school on a  
26 particular day or days or at a particular time of day for

1 the reason that he is unable to attend classes or to  
2 participate in any examination, study, or work  
3 requirements on a particular day or days or at a  
4 particular time of day because of religious reasons,  
5 including the observance of a religious holiday or  
6 participation in religious instruction, or because the  
7 tenets of his religion forbid secular activity on a  
8 particular day or days or at a particular time of day. A  
9 school board may require the parent or guardian of a child  
10 who is to be excused from attending school because of  
11 religious reasons to give notice, not exceeding 5 days, of  
12 the child's absence to the school principal or other  
13 school personnel. Any child excused from attending school  
14 under this paragraph 5 shall not be required to submit a  
15 written excuse for such absence after returning to school.  
16 A district superintendent shall develop and distribute to  
17 schools appropriate procedures regarding a student's  
18 absence for religious reasons, how schools are notified of  
19 a student's impending absence for religious reasons, and  
20 the requirements of Section 26-2b of this Code;

21 6. Any child 16 years of age or older who (i) submits  
22 to a school district evidence of necessary and lawful  
23 employment pursuant to paragraph 3 of this Section and  
24 (ii) is enrolled in a graduation incentives program  
25 pursuant to Section 26-16 of this Code or an alternative  
26 learning opportunities program established pursuant to

1 Article 13B of this Code;

2 7. A child in any of grades 6 through 12 absent from a  
3 public school on a particular day or days or at a  
4 particular time of day for the purpose of sounding "Taps"  
5 at a military honors funeral held in this State for a  
6 deceased veteran. In order to be excused under this  
7 paragraph 7, the student shall notify the school's  
8 administration at least 2 days prior to the date of the  
9 absence and shall provide the school's administration with  
10 the date, time, and location of the military honors  
11 funeral. The school's administration may waive this 2-day  
12 notification requirement if the student did not receive at  
13 least 2 days advance notice, but the student shall notify  
14 the school's administration as soon as possible of the  
15 absence. A student whose absence is excused under this  
16 paragraph 7 shall be counted as if the student attended  
17 school for purposes of calculating the average daily  
18 attendance of students in the school district. A student  
19 whose absence is excused under this paragraph 7 must be  
20 allowed a reasonable time to make up school work missed  
21 during the absence. If the student satisfactorily  
22 completes the school work, the day of absence shall be  
23 counted as a day of compulsory attendance and he or she may  
24 not be penalized for that absence; and

25 8. Any child absent from a public school on a  
26 particular day or days or at a particular time of day for

1 the reason that his or her parent or legal guardian is an  
2 active duty member of the uniformed services and has been  
3 called to duty for, is on leave from, or has immediately  
4 returned from deployment to a combat zone or  
5 combat-support postings. Such a student shall be granted 5  
6 days of excused absences in any school year and, at the  
7 discretion of the school board, additional excused  
8 absences to visit the student's parent or legal guardian  
9 relative to such leave or deployment of the parent or  
10 legal guardian. In the case of excused absences pursuant  
11 to this paragraph 8, the student and parent or legal  
12 guardian shall be responsible for obtaining assignments  
13 from the student's teacher prior to any period of excused  
14 absence and for ensuring that such assignments are  
15 completed by the student prior to his or her return to  
16 school from such period of excused absence.

17 Any child from a public middle school or high school,  
18 subject to guidelines established by the State Board of  
19 Education, shall be permitted by a school board one school  
20 day-long excused absence per school year for the child who is  
21 absent from school to engage in a civic event. The school board  
22 may require that the student provide reasonable advance notice  
23 of the intended absence to the appropriate school  
24 administrator and require that the student provide  
25 documentation of participation in a civic event to the  
26 appropriate school administrator.



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.)

4 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

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

6 (a) For school years before the 2023-2024 school year, any  
7 ~~Any~~ person having custody or control of a child who is below  
8 the age of 6 years or is 17 years of age or above and who is  
9 enrolled in any of grades kindergarten through 12 in the  
10 public school shall cause the child to attend the public  
11 school in the district wherein he or she resides when it is in  
12 session during the regular school term, unless the child is  
13 excused under Section 26-1 of this Code. Beginning with the  
14 2023-2024 school year, any person having custody or control of  
15 a child who is below the age of 5 years or is 17 years of age  
16 or above and who is enrolled in any of grades kindergarten  
17 through 12 in the public school shall cause the child to attend  
18 the public school in the district wherein he or she resides  
19 when it is in session during the regular school term, unless  
20 the child is excused under Section 26-1 of this Code.

21 (b) A school district shall deny reenrollment in its  
22 secondary schools to any child 19 years of age or above who has  
23 dropped out of school and who could not, because of age and  
24 lack of credits, attend classes during the normal school year  
25 and graduate before his or her twenty-first birthday. A

1 district may, however, enroll the child in a graduation  
2 incentives program under Section 26-16 of this Code or an  
3 alternative learning opportunities program established under  
4 Article 13B. No child shall be denied reenrollment for the  
5 above reasons unless the school district first offers the  
6 child due process as required in cases of expulsion under  
7 Section 10-22.6. If a child is denied reenrollment after being  
8 provided with due process, the school district must provide  
9 counseling to that child and must direct that child to  
10 alternative educational programs, including adult education  
11 programs, that lead to graduation or receipt of a State of  
12 Illinois High School Diploma.

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

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

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

25 (3) The student's parent or guardian is provided with  
26 the right to appeal the notice, as determined by the State

1 Board of Education in accordance with due process.

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

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

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

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

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

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

26 (Source: P.A. 102-981, eff. 1-1-23; 102-1100, eff. 1-1-23;

1 revised 12-13-22.)

2 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

3 Sec. 34-19. By-laws, rules and regulations; business  
4 transacted at regular meetings; voting; records. The board  
5 shall, subject to the limitations in this Article, establish  
6 by-laws, rules and regulations, which shall have the force of  
7 ordinances, for the proper maintenance of a uniform system of  
8 discipline for both employees and pupils, and for the entire  
9 management of the schools, and may fix the school age of  
10 pupils, the minimum of which in kindergartens (which,  
11 beginning with the 2023-2024 school year, must be established  
12 under Section 10-22.18 for children 5 years of age or older)  
13 shall not be under 4 years, except that, based upon an  
14 assessment of the child's readiness, children who have  
15 attended a non-public preschool and continued their education  
16 at that school through kindergarten, were taught in  
17 kindergarten by an appropriately certified teacher, and will  
18 attain the age of 6 years on or before December 31 of the year  
19 of the 2009-2010 school term and each school term thereafter  
20 may attend first grade upon commencement of such term, and in  
21 grade schools shall not be under 6 years. It may expel, suspend  
22 or, subject to the limitations of all policies established or  
23 adopted under Section 10-22.6 or 14-8.05, otherwise discipline  
24 any pupil found guilty of gross disobedience, misconduct, or  
25 other violation of the by-laws, rules, and regulations,

1 including gross disobedience or misconduct perpetuated by  
2 electronic means. An expelled pupil may be immediately  
3 transferred to an alternative program in the manner provided  
4 in Article 13A or 13B of this Code. A pupil must not be denied  
5 transfer because of the expulsion, except in cases in which  
6 such transfer is deemed to cause a threat to the safety of  
7 students or staff in the alternative program. A pupil who is  
8 suspended in excess of 20 school days may be immediately  
9 transferred to an alternative program in the manner provided  
10 in Article 13A or 13B of this Code. A pupil must not be denied  
11 transfer because of the suspension, except in cases in which  
12 such transfer is deemed to cause a threat to the safety of  
13 students or staff in the alternative program. The bylaws,  
14 rules and regulations of the board shall be enacted, money  
15 shall be appropriated or expended, salaries shall be fixed or  
16 changed, and textbooks, electronic textbooks, and courses of  
17 instruction shall be adopted or changed only at the regular  
18 meetings of the board and by a vote of a majority of the full  
19 membership of the board; provided that notwithstanding any  
20 other provision of this Article or the School Code, neither  
21 the board or any local school council may purchase any  
22 textbook for use in any public school of the district from any  
23 textbook publisher that fails to furnish any computer  
24 diskettes as required under Section 28-21. Funds appropriated  
25 for textbook purchases must be available for electronic  
26 textbook purchases and the technological equipment necessary

1 to gain access to and use electronic textbooks at the local  
2 school council's discretion. The board shall be further  
3 encouraged to provide opportunities for public hearing and  
4 testimony before the adoption of bylaws, rules and  
5 regulations. Upon all propositions requiring for their  
6 adoption at least a majority of all the members of the board  
7 the yeas and nays shall be taken and reported. The by-laws,  
8 rules and regulations of the board shall not be repealed,  
9 amended or added to, except by a vote of 2/3 of the full  
10 membership of the board. The board shall keep a record of all  
11 its proceedings. Such records and all by-laws, rules and  
12 regulations, or parts thereof, may be proved by a copy thereof  
13 certified to be such by the secretary of the board, but if they  
14 are printed in book or pamphlet form which are purported to be  
15 published by authority of the board they need not be otherwise  
16 published and the book or pamphlet shall be received as  
17 evidence, without further proof, of the records, by-laws,  
18 rules and regulations, or any part thereof, as of the dates  
19 thereof as shown in such book or pamphlet, in all courts and  
20 places where judicial proceedings are had.

21 Notwithstanding any other provision in this Article or in  
22 the School Code, the board may delegate to the general  
23 superintendent or to the attorney the authorities granted to  
24 the board in the School Code, provided such delegation and  
25 appropriate oversight procedures are made pursuant to board  
26 by-laws, rules and regulations, adopted as herein provided,

1     except that the board may not delegate its authorities and  
2     responsibilities regarding (1) budget approval obligations;  
3     (2) rule-making functions; (3) desegregation obligations; (4)  
4     real estate acquisition, sale or lease in excess of 10 years as  
5     provided in Section 34-21; (5) the levy of taxes; or (6) any  
6     mandates imposed upon the board by "An Act in relation to  
7     school reform in cities over 500,000, amending Acts herein  
8     named", approved December 12, 1988 (P.A. 85-1418).  
9     (Source: P.A. 99-456, eff. 9-15-16.)

10           Section 99. Effective date. This Act takes effect upon  
11     becoming law.