



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by J. Bradley Burzynski

SYNOPSIS AS INTRODUCED:

105 ILCS 5/26-2	from Ch. 122, par. 26-2
105 ILCS 5/26-2a	from Ch. 122, par. 26-2a

Amends the School Code. Requires a person having custody or control of a child who is below the compulsory school age and who is enrolled in kindergarten in a public school to cause the child to attend the public school. Includes in the definition of "dropout" a child enrolled in kindergarten. Effective June 30, 2004.

LRB093 13604 NHT 46946 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT regarding schools.

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 26-2a as follows:

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

7 Sec. 26-2. Enrolled pupils below 7 or over 16. Any person
8 having custody or control of a child who is below the age of 7
9 years or above the age of 16 years and who is enrolled in any of
10 grades kindergarten ~~±~~ through 12, in the public school shall
11 cause him to attend the public school in the district wherein
12 he resides when it is in session during the regular school term
13 unless he is excused under paragraphs 2, 3, 4 or 5 of Section
14 26-1.

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

32 (Source: P.A. 92-42, eff. 1-1-02.)

1 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

2 Sec. 26-2a. A "truant" is defined as a child subject to
3 compulsory school attendance and who is absent without valid
4 cause from such attendance for a school day or portion thereof.

5 "Valid cause" for absence shall be illness, observance of a
6 religious holiday, death in the immediate family, family
7 emergency, and shall include such other situations beyond the
8 control of the student as determined by the board of education
9 in each district, or such other circumstances which cause
10 reasonable concern to the parent for the safety or health of
11 the student.

12 "Chronic or habitual truant" shall be defined as a child
13 subject to compulsory school attendance and who is absent
14 without valid cause from such attendance for 10% or more of the
15 previous 180 regular attendance days.

16 "Truant minor" is defined as a chronic truant to whom
17 supportive services, including prevention, diagnostic,
18 intervention and remedial services, alternative programs and
19 other school and community resources have been provided and
20 have failed to result in the cessation of chronic truancy, or
21 have been offered and refused.

22 A "dropout" is defined as any child enrolled in grades
23 kindergarten ± through 12 whose name has been removed from the
24 district enrollment roster for any reason other than his death,
25 extended illness, graduation or completion of a program of
26 studies and who has not transferred to another public or
27 private school.

28 "Religion" for the purposes of this Article, includes all
29 aspects of religious observance and practice, as well as
30 belief.

31 (Source: P.A. 84-1308; 84-1420; 84-1424; 84-1438.)

32 Section 99. Effective date. This Act takes effect June 30,
33 2004.