

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 10-22.18, 26-1, and 26-2 as follows:

6 (105 ILCS 5/10-22.18) (from Ch. 122, par. 10-22.18)

7 Sec. 10-22.18. Kindergartens. To establish kindergartens
8 for the instruction of children between the ages of 4 and 6
9 years, if in their judgment the public interest requires it,
10 and to pay the necessary expenses thereof out of the school
11 funds of the district. Upon petition of at least 50 parents or
12 guardians of children between the ages of 4 and 6, residing
13 within any school district and within one mile of the public
14 school where such kindergarten is proposed to be established,
15 the board of directors shall, if funds are available, establish
16 a kindergarten in connection with the public school designated
17 in the petition and maintain it as long as the annual average
18 daily attendance therein is not less than 15. The board may
19 establish a kindergarten with half-day attendance or with
20 full-day attendance. If the board establishes full-day
21 kindergarten, it shall also establish half-day kindergarten.
22 No one shall be employed to teach in a kindergarten who does
23 not hold a certificate as provided by law.

24 Beginning with the 2006-2007 school year, each school
25 district, including a school district organized under Article
26 34, must establish kindergarten for the instruction of children
27 who are 5 years of age or older.

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

29 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

30 Sec. 26-1. Compulsory school age-Exemptions. Whoever has
31 custody or control of any child (i) between the ages of 7 and

1 17 years (unless the child has already graduated from high
2 school) for school years before the 2006-2007 school year or
3 (ii) between the ages of 5 and 17 years (unless the child has
4 already graduated from high school) for school years after the
5 2005-2006 school year shall cause such child to attend some
6 public school in the district wherein the child resides the
7 entire time it is in session during the regular school term,
8 except as provided in Section 10-19.1, and during a required
9 summer school program established under Section 10-22.33B;
10 provided, that the following children shall not be required to
11 attend the public schools:

12 1. Any child attending a private or a parochial school or a
13 non-profit or for-profit child care center that provides
14 kindergarten where children are taught the branches of
15 education taught to children of corresponding age and grade in
16 the public schools, and where the instruction of the child in
17 the branches of education is in the English language;

18 2. Any child who is physically or mentally unable to attend
19 school, such disability being certified to the county or
20 district truant officer by a competent physician or a Christian
21 Science practitioner residing in this State and listed in the
22 Christian Science Journal; or who is excused for temporary
23 absence for cause by the principal or teacher of the school
24 which the child attends; the exemptions in this paragraph (2)
25 do not apply to any female who is pregnant or the mother of one
26 or more children, except where a female is unable to attend
27 school due to a complication arising from her pregnancy and the
28 existence of such complication is certified to the county or
29 district truant officer by a competent physician;

30 3. Any child necessarily and lawfully employed according to
31 the provisions of the law regulating child labor may be excused
32 from attendance at school by the county superintendent of
33 schools or the superintendent of the public school which the
34 child should be attending, on certification of the facts by and
35 the recommendation of the school board of the public school
36 district in which the child resides. In districts having part

1 time continuation schools, children so excused shall attend
2 such schools at least 8 hours each week;

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

5 5. Any child absent from a public school on a particular
6 day or days or at a particular time of day for the reason that
7 he is unable to attend classes or to participate in any
8 examination, study or work requirements on a particular day or
9 days or at a particular time of day, because the tenets of his
10 religion forbid secular activity on a particular day or days or
11 at a particular time of day. Each school board shall prescribe
12 rules and regulations relative to absences for religious
13 holidays including, but not limited to, a list of religious
14 holidays on which it shall be mandatory to excuse a child; but
15 nothing in this paragraph 5 shall be construed to limit the
16 right of any school board, at its discretion, to excuse an
17 absence on any other day by reason of the observance of a
18 religious holiday. A school board may require the parent or
19 guardian of a child who is to be excused from attending school
20 due to the observance of a religious holiday to give notice,
21 not exceeding 5 days, of the child's absence to the school
22 principal or other school personnel. Any child excused from
23 attending school under this paragraph 5 shall not be required
24 to submit a written excuse for such absence after returning to
25 school; and

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

32 7. Beginning with the 2006-2007 school year, any child who
33 has not reached the age of 7 years by September 1 and whose
34 parent or guardian notifies the school district or the school
35 at which the child would be enrolled that he or she does not
36 wish the child to attend school until the following school year

1 because the child, in the opinion of the parent or guardian, is
2 not mentally, physically, or emotionally prepared to attend
3 school. In such cases, the child's attendance may be delayed
4 for one school year.

5 (Source: P.A. 93-858, eff. 1-1-05.)

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

7 Sec. 26-2. Enrolled pupils not of compulsory school age
8 below 7 or over 17.

9 (a) For school years before the 2006-2007 school year, any
10 Any person having custody or control of a child who is below
11 the age of 7 years or is 17 years of age or above and who is
12 enrolled in any of grades 1 through 12 in the public school
13 shall cause him to attend the public school in the district
14 wherein he resides when it is in session during the regular
15 school term, unless he is excused under paragraph 2, 3, 4, 5,
16 or 6 of Section 26-1. For school years after the 2005-2006
17 school year, any person having custody or control of a child
18 who is below the age of 5 years or is 17 years of age or above
19 and who is enrolled in any of grades kindergarten through 12 in
20 the public school shall cause the child to attend the public
21 school in the district wherein he or she resides when it is in
22 session during the regular school term, unless the child is
23 excused under paragraph 2, 3, 4, 5, 6, or 7 of Section 26-1 of
24 this Code.

25 (b) A school district shall deny reenrollment in its
26 secondary schools to any child 19 years of age or above who has
27 dropped out of school and who could not, because of age and
28 lack of credits, attend classes during the normal school year
29 and graduate before his or her twenty-first birthday. A
30 district may, however, enroll the child in a graduation
31 incentives program under Section 26-16 of this Code or an
32 alternative learning opportunities program established under
33 Article 13B. No child shall be denied reenrollment for the
34 above reasons unless the school district first offers the child
35 due process as required in cases of expulsion under Section

1 10-22.6. If a child is denied reenrollment after being provided
2 with due process, the school district must provide counseling
3 to that child and must direct that child to alternative
4 educational programs, including adult education programs, that
5 lead to graduation or receipt of a GED diploma.

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

10 (1) The student achieved a grade point average of less
11 than "D" (or its equivalent) in the semester immediately
12 prior to the current semester.

13 (2) The student and the student's parent or guardian
14 are given written notice warning that the student is
15 failing academically and is subject to denial from
16 enrollment for one semester unless a "D" average (or its
17 equivalent) or better is attained in the current semester.

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

21 (4) The student is provided with an academic
22 improvement plan and academic remediation services.

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

25 A school or school district may deny enrollment to a
26 student 17 years of age or older for one semester for failure
27 to meet minimum attendance standards if all of the following
28 conditions are met:

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

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

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

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

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

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

14 (d) No child may be denied enrollment or reenrollment under
15 this Section in violation of the Individuals with Disabilities
16 Education Act or the Americans with Disabilities Act.

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

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

29 (Source: P.A. 92-42, eff. 1-1-02; 93-803, eff. 7-23-04; 93-858,
30 eff. 1-1-05; 93-1079, eff. 1-21-05.)