



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6223

Introduced 2/11/2010, by Rep. LaShawn K. Ford

SYNOPSIS AS INTRODUCED:

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

Amends the School Code. Provides that the board of directors of a school district must establish a kindergarten in connection with the public school in the district and maintain it as long as the annual average daily attendance therein is not less than 15 (previously, upon petition of at least 50 parents or guardians of children that meet specified criteria, the board of directors shall, if funds are available, establish a kindergarten in connection with the public school designated in the petition and maintain it as long as the annual average daily attendance therein is not less than 15). Provides that the board must (rather than may) establish a kindergarten with half-day attendance or with full-day attendance. Provides that provisions related to compulsory attendance apply to children between 5 and 17 years of age (rather than between 7 and 17 years of age). Effective August 1, 2010.

LRB096 14624 MJR 29463 b

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

1 certificate as provided by law.

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

3 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

4 Sec. 26-1. Compulsory school age-Exemptions. Whoever has
5 custody or control of any child between the ages of 5 ~~7~~ and 17
6 years (unless the child has already graduated from high school)
7 shall cause such child to attend some public school in the
8 district wherein the child resides the entire time it is in
9 session during the regular school term, except as provided in
10 Section 10-19.1, and during a required summer school program
11 established under Section 10-22.33B; provided, that the
12 following children shall not be required to attend the public
13 schools:

14 1. Any child attending a private or a parochial school
15 where children are taught the branches of education taught
16 to children of corresponding age and grade in the public
17 schools, and where the instruction of the child in the
18 branches of education is in the English language;

19 2. Any child who is physically or mentally unable to
20 attend school, such disability being certified to the
21 county or district truant officer by a competent physician
22 licensed in Illinois to practice medicine and surgery in
23 all its branches, a chiropractic physician licensed under
24 the Medical Practice Act of 1987, an advanced practice
25 nurse who has a written collaborative agreement with a

1 collaborating physician that authorizes the advanced
2 practice nurse to perform health examinations, a physician
3 assistant who has been delegated the authority to perform
4 health examinations by his or her supervising physician, or
5 a Christian Science practitioner residing in this State and
6 listed in the Christian Science Journal; or who is excused
7 for temporary absence for cause by the principal or teacher
8 of the school which the child attends; the exemptions in
9 this paragraph (2) do not apply to any female who is
10 pregnant or the mother of one or more children, except
11 where a female is unable to attend school due to a
12 complication arising from her pregnancy and the existence
13 of such complication is certified to the county or district
14 truant officer by a competent physician;

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

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

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

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

1 Section 26-16 of this Code or an alternative learning
2 opportunities program established pursuant to Article 13B
3 of this Code.

4 (Source: P.A. 96-367, eff. 8-13-09.)

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

6 Sec. 26-2. Enrolled pupils below 5 ~~7~~ or over 17.

7 (a) Any person having custody or control of a child who is
8 below the age of 5 ~~7~~ years or is 17 years of age or above and
9 who is enrolled in any of grades kindergarten through 12 in the
10 public school shall cause him to attend the public school in
11 the district wherein he resides when it is in session during
12 the regular school term, unless he is excused under paragraph
13 2, 3, 4, 5, or 6 of Section 26-1.

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

1 with due process, the school district must provide counseling
2 to that child and must direct that child to alternative
3 educational programs, including adult education programs, that
4 lead to graduation or receipt of a GED diploma.

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

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

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

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

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

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

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

1 conditions are met:

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

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

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

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

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

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

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

26 (e) In this subsection (e), "reenrolled student" means a

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

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

12 (Source: P.A. 95-417, eff. 8-24-07.)

13 Section 99. Effective date. This Act takes effect August 1,
14 2010.