

**SB3259**



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**SB3259**

Introduced 2/1/2012, by Sen. Kimberly A. Lightford

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/3-15.12	from Ch. 122, par. 3-15.12
105 ILCS 5/26-1	from Ch. 122, par. 26-1
105 ILCS 5/26-2	from Ch. 122, par. 26-2
105 ILCS 5/26-14	from Ch. 122, par. 26-14

Amends the School Code. Increases the compulsory school age from 17 to 18 years of age; makes related changes. Effective July 1, 2012.

LRB097 19781 AMC 65047 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

**A BILL FOR**

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 3-15.12, 26-1, 26-2, and 26-14 as follows:

6 (105 ILCS 5/3-15.12) (from Ch. 122, par. 3-15.12)

7 Sec. 3-15.12. High school equivalency testing program. The  
8 regional superintendent of schools shall make available for  
9 qualified individuals residing within the region a High School  
10 Equivalency Testing Program. For that purpose the regional  
11 superintendent alone or with other regional superintendents  
12 may establish and supervise a testing center or centers to  
13 administer the secure forms of the high school level Test of  
14 General Educational Development to qualified persons. Such  
15 centers shall be under the supervision of the regional  
16 superintendent in whose region such centers are located,  
17 subject to the approval of the President of the Illinois  
18 Community College Board.

19 An individual is eligible to apply to the regional  
20 superintendent of schools for the region in which he or she  
21 resides if he or she is: (a) a person who is 18 ~~17~~ years of age  
22 or older, has maintained residence in the State of Illinois,  
23 and is not a high school graduate; (b) a person who is

1 successfully completing an alternative education program under  
2 Section 2-3.81, Article 13A, or Article 13B; or (c) a person  
3 who is enrolled in a youth education program sponsored by the  
4 Illinois National Guard. For purposes of this Section,  
5 residence is that abode which the applicant considers his or  
6 her home. Applicants may provide as sufficient proof of such  
7 residence and as an acceptable form of identification a  
8 driver's license, valid passport, military ID, or other form of  
9 government-issued national or foreign identification that  
10 shows the applicant's name, address, date of birth, signature,  
11 and photograph or other acceptable identification as may be  
12 allowed by law or as regulated by the Illinois Community  
13 College Board. Such regional superintendent shall determine if  
14 the applicant meets statutory and regulatory state standards.  
15 If qualified the applicant shall at the time of such  
16 application pay a fee established by the Illinois Community  
17 College Board, which fee shall be paid into a special fund  
18 under the control and supervision of the regional  
19 superintendent. Such moneys received by the regional  
20 superintendent shall be used, first, for the expenses incurred  
21 in administering and scoring the examination, and next for  
22 other educational programs that are developed and designed by  
23 the regional superintendent of schools to assist those who  
24 successfully complete the high school level test of General  
25 Education Development in furthering their academic development  
26 or their ability to secure and retain gainful employment,

1 including programs for the competitive award based on test  
2 scores of college or adult education scholarship grants or  
3 similar educational incentives. Any excess moneys shall be paid  
4 into the institute fund.

5 Any applicant who has achieved the minimum passing  
6 standards as established by the Illinois Community College  
7 Board shall be notified in writing by the regional  
8 superintendent and shall be issued a high school equivalency  
9 certificate on the forms provided by the Illinois Community  
10 College Board. The regional superintendent shall then certify  
11 to the Illinois Community College Board the score of the  
12 applicant and such other and additional information that may be  
13 required by the Illinois Community College Board. The moneys  
14 received therefrom shall be used in the same manner as provided  
15 for in this Section.

16 Any applicant who has attained the age of 18 ~~17~~ years and  
17 maintained residence in the State of Illinois and is not a high  
18 school graduate, any person who has enrolled in a youth  
19 education program sponsored by the Illinois National Guard, or  
20 any person who has successfully completed an alternative  
21 education program under Section 2-3.81, Article 13A, or Article  
22 13B is eligible to apply for a high school equivalency  
23 certificate (if he or she meets the requirements prescribed by  
24 the Illinois Community College Board) upon showing evidence  
25 that he or she has completed, successfully, the high school  
26 level General Educational Development Tests, administered by

1 the United States Armed Forces Institute, official GED Centers  
2 established in other states, or at Veterans' Administration  
3 Hospitals or the office of the State Superintendent of  
4 Education administered for the Illinois State Penitentiary  
5 System and the Department of Corrections. Such applicant shall  
6 apply to the regional superintendent of the region wherein he  
7 has maintained residence, and upon payment of a fee established  
8 by the Illinois Community College Board the regional  
9 superintendent shall issue a high school equivalency  
10 certificate, and immediately thereafter certify to the  
11 Illinois Community College Board the score of the applicant and  
12 such other and additional information as may be required by the  
13 Illinois Community College Board.

14 Notwithstanding the provisions of this Section, any  
15 applicant who has been out of school for at least one year may  
16 request the regional superintendent of schools to administer  
17 the restricted GED test upon written request of: The director  
18 of a program who certifies to the Chief Examiner of an official  
19 GED center that the applicant has completed a program of  
20 instruction provided by such agencies as the Job Corps, the  
21 Postal Service Academy or apprenticeship training program; an  
22 employer or program director for purposes of entry into  
23 apprenticeship programs; another State Department of Education  
24 in order to meet regulations established by that Department of  
25 Education, a post high school educational institution for  
26 purposes of admission, the Department of Professional

1 Regulation for licensing purposes, or the Armed Forces for  
2 induction purposes. The regional superintendent shall  
3 administer such test and the applicant shall be notified in  
4 writing that he is eligible to receive the Illinois High School  
5 Equivalency Certificate upon reaching age 18 ~~17~~, provided he  
6 meets the standards established by the Illinois Community  
7 College Board.

8 Any test administered under this Section to an applicant  
9 who does not speak and understand English may at the discretion  
10 of the administering agency be given and answered in any  
11 language in which the test is printed. The regional  
12 superintendent of schools may waive any fees required by this  
13 Section in case of hardship.

14 In counties of over 3,000,000 population a GED certificate  
15 shall contain the signatures of the President of the Illinois  
16 Community College Board, the superintendent, president or  
17 other chief executive officer of the institution where GED  
18 instruction occurred and any other signatures authorized by the  
19 Illinois Community College Board.

20 The regional superintendent of schools shall furnish the  
21 Illinois Community College Board with any information that the  
22 Illinois Community College Board requests with regard to  
23 testing and certificates under this Section.

24 (Source: P.A. 94-108, eff. 7-1-05; 95-609, eff. 6-1-08.)

25 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

1           Sec. 26-1. Compulsory school age-Exemptions. Whoever has  
2 custody or control of any child between the ages of 7 and 18 ~~17~~  
3 years (unless the child has already graduated from high school)  
4 shall cause such child to attend some public school in the  
5 district wherein the child resides the entire time it is in  
6 session during the regular school term, except as provided in  
7 Section 10-19.1, and during a required summer school program  
8 established under Section 10-22.33B; provided, that the  
9 following children shall not be required to attend the public  
10 schools:

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

16           2. Any child who is physically or mentally unable to  
17 attend school, such disability being certified to the  
18 county or district truant officer by a competent physician  
19 licensed in Illinois to practice medicine and surgery in  
20 all its branches, a chiropractic physician licensed under  
21 the Medical Practice Act of 1987, an advanced practice  
22 nurse who has a written collaborative agreement with a  
23 collaborating physician that authorizes the advanced  
24 practice nurse to perform health examinations, a physician  
25 assistant who has been delegated the authority to perform  
26 health examinations by his or her supervising physician, or

1 a Christian Science practitioner residing in this State and  
2 listed in the Christian Science Journal; or who is excused  
3 for temporary absence for cause by the principal or teacher  
4 of the school which the child attends; the exemptions in  
5 this paragraph (2) do not apply to any female who is  
6 pregnant or the mother of one or more children, except  
7 where a female is unable to attend school due to a  
8 complication arising from her pregnancy and the existence  
9 of such complication is certified to the county or district  
10 truant officer by a competent physician;

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

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

23 5. Any child absent from a public school on a  
24 particular day or days or at a particular time of day for  
25 the reason that he is unable to attend classes or to  
26 participate in any examination, study or work requirements



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

19 6. Any child 16 years of age or older who (i) submits  
20 to a school district evidence of necessary and lawful  
21 employment pursuant to paragraph 3 of this Section and (ii)  
22 is enrolled in a graduation incentives program pursuant to  
23 Section 26-16 of this Code or an alternative learning  
24 opportunities program established pursuant to Article 13B  
25 of this Code.

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

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

2 Sec. 26-2. Enrolled pupils below 7 or over 18 ~~17~~.

3 (a) Any person having custody or control of a child who is  
4 below the age of 7 years or is 18 ~~17~~ years of age or above and  
5 who is enrolled in any of grades kindergarten through 12 in the  
6 public school shall cause him to attend the public school in  
7 the district wherein he resides when it is in session during  
8 the regular school term, unless he is excused under paragraph  
9 2, 3, 4, 5, or 6 of Section 26-1.

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 GED diploma.

1 (c) A school or school district may deny enrollment to a  
2 student 18 ~~17~~ years of age or older for one semester for  
3 failure to meet minimum academic standards if all of the  
4 following conditions are met:

5 (1) The student achieved a grade point average of less  
6 than "D" (or its equivalent) 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 failing academically and is subject to denial from  
11 enrollment for one semester unless a "D" average (or its  
12 equivalent) or better is attained in the current semester.

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

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

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

20 A school or school district may deny enrollment to a  
21 student 18 ~~17~~ years of age or older for one semester for  
22 failure to meet minimum attendance standards if all of the  
23 following conditions are met:

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

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

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

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

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

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

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

22          (e) In this subsection (e), "reenrolled student" means a  
23          dropout who has reenrolled full-time in a public school. Each  
24          school district shall identify, track, and report on the  
25          educational progress and outcomes of reenrolled students as a  
26          subset of the district's required reporting on all enrollments.

1 A reenrolled student who again drops out must not be counted  
2 again against a district's dropout rate performance measure.  
3 The State Board of Education shall set performance standards  
4 for programs serving reenrolled students.

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

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

9 (105 ILCS 5/26-14) (from Ch. 122, par. 26-14)

10 Sec. 26-14. Truancy programs for dropouts. Any dropout, as  
11 defined in Section 26-2a, who is 18 ~~17~~ years of age may apply  
12 to a school district for status as a truant, and the school  
13 district shall permit such person to participate in the  
14 district's various programs and resources for truants. At the  
15 time of the person's application, the district may request  
16 documentation of his dropout status for the previous 6 months.

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

18 Section 99. Effective date. This Act takes effect July 1,  
19 2012.