



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5838

by Rep. Christian L. Mitchell

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.66	from Ch. 122, par. 2-3.66
105 ILCS 5/2-3.66b	
105 ILCS 5/26-2	from Ch. 122, par. 26-2
105 ILCS 5/26-16	

Amends the School Code. Requires alternative and optional education programs for truants, the IHOPE Program, and graduation incentives programs to accept dropouts under the age of 24 (currently, under 20 for the graduation incentives programs and through the age of 21 for the IHOPE Program and the alternative and optional education programs for truants). Provides that a school district shall deny reenrollment in its secondary schools to any child 19 years of age or above who has dropped out of school and who could not attend classes during the normal school year and graduate before his or her twenty-fourth birthday (currently, his or her twenty-first birthday). Effective immediately.

LRB098 18909 OMW 54056 b

FISCAL NOTE ACT
MAY APPLY

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 2-3.66, 2-3.66b, 26-2, and 26-16 as follows:

6 (105 ILCS 5/2-3.66) (from Ch. 122, par. 2-3.66)

7 Sec. 2-3.66. Truants' alternative and optional education
8 programs. To establish projects to offer modified
9 instructional programs or other services designed to prevent
10 students from dropping out of school, including programs
11 pursuant to Section 2-3.41, and to serve as a part time or full
12 time option in lieu of regular school attendance and to award
13 grants to local school districts, educational service regions
14 or community college districts from appropriated funds to
15 assist districts in establishing such projects. The education
16 agency may operate its own program or enter into a contract
17 with another not-for-profit entity to implement the program.
18 The projects shall allow dropouts, up to and including age 23
19 ~~21~~, potential dropouts, including truants, uninvolved,
20 unmotivated and disaffected students, as defined by State Board
21 of Education rules and regulations, to enroll, as an
22 alternative to regular school attendance, in an optional
23 education program which may be established by school board

1 policy and is in conformance with rules adopted by the State
2 Board of Education. Truants' Alternative and Optional
3 Education programs funded pursuant to this Section shall be
4 planned by a student, the student's parents or legal guardians,
5 unless the student is 18 years or older, and school officials
6 and shall culminate in an individualized optional education
7 plan. Such plan shall focus on academic or vocational skills,
8 or both, and may include, but not be limited to, evening
9 school, summer school, community college courses, adult
10 education, preparation courses for the high school level test
11 of General Educational Development, vocational training, work
12 experience, programs to enhance self concept and parenting
13 courses. School districts which are awarded grants pursuant to
14 this Section shall be authorized to provide day care services
15 to children of students who are eligible and desire to enroll
16 in programs established and funded under this Section, but only
17 if and to the extent that such day care is necessary to enable
18 those eligible students to attend and participate in the
19 programs and courses which are conducted pursuant to this
20 Section. School districts and regional offices of education may
21 claim general State aid under Section 18-8.05 for students
22 enrolled in truants' alternative and optional education
23 programs, provided that such students are receiving services
24 that are supplemental to a program leading to a high school
25 diploma and are otherwise eligible to be claimed for general
26 State aid under Section 18-8.05.

1 (Source: P.A. 96-734, eff. 8-25-09.)

2 (105 ILCS 5/2-3.66b)

3 Sec. 2-3.66b. IHOPE Program.

4 (a) There is established the Illinois Hope and Opportunity
5 Pathways through Education (IHOPE) Program. The State Board of
6 Education shall implement and administer the IHOPE Program. The
7 goal of the IHOPE Program is to develop a comprehensive system
8 in this State to re-enroll significant numbers of high school
9 dropouts in programs that will enable them to earn their high
10 school diploma.

11 (b) The IHOPE Program shall award grants, subject to
12 appropriation for this purpose, to educational service regions
13 and a school district organized under Article 34 of this Code
14 from appropriated funds to assist in establishing
15 instructional programs and other services designed to
16 re-enroll high school dropouts. From any funds appropriated for
17 the IHOPE Program, the State Board of Education may use up to
18 5% for administrative costs, including the performance of a
19 program evaluation and the hiring of staff to implement and
20 administer the program.

21 The IHOPE Program shall provide incentive grant funds for
22 regional offices of education and a school district organized
23 under Article 34 of this Code to develop partnerships with
24 school districts, public community colleges, and community
25 groups to build comprehensive plans to re-enroll high school

1 dropouts in their regions or districts.

2 Programs funded through the IHOPE Program shall allow high
3 school dropouts, up to and including age 23 ~~21~~ notwithstanding
4 Section 26-2 of this Code, to re-enroll in an educational
5 program in conformance with rules adopted by the State Board of
6 Education. Programs may include without limitation
7 comprehensive year-round programming, evening school, summer
8 school, community college courses, adult education, vocational
9 training, work experience, programs to enhance self-concept,
10 and parenting courses. Any student in the IHOPE Program who
11 wishes to earn a high school diploma must meet the
12 prerequisites to receiving a high school diploma specified in
13 Section 27-22 of this Code and any other graduation
14 requirements of the student's district of residence. Any
15 student who successfully completes the requirements for his or
16 her graduation shall receive a diploma identifying the student
17 as graduating from his or her district of residence.

18 (c) In order to be eligible for funding under the IHOPE
19 Program, an interested regional office of education or a school
20 district organized under Article 34 of this Code shall develop
21 an IHOPE Plan to be approved by the State Board of Education.
22 The State Board of Education shall develop rules for the IHOPE
23 Program that shall set forth the requirements for the
24 development of the IHOPE Plan. Each Plan shall involve school
25 districts, public community colleges, and key community
26 programs that work with high school dropouts located in an

1 educational service region or the City of Chicago before the
2 Plan is sent to the State Board for approval. No funds may be
3 distributed to a regional office of education or a school
4 district organized under Article 34 of this Code until the
5 State Board has approved the Plan.

6 (d) A regional office of education or a school district
7 organized under Article 34 of this Code may operate its own
8 program funded by the IHOPE Program or enter into a contract
9 with other not-for-profit entities, including school
10 districts, public community colleges, and not-for-profit
11 community-based organizations, to operate a program.

12 A regional office of education or a school district
13 organized under Article 34 of this Code that receives an IHOPE
14 grant from the State Board of Education may provide funds under
15 a sub-grant, as specified in the IHOPE Plan, to other
16 not-for-profit entities to provide services according to the
17 IHOPE Plan that was developed. These other entities may include
18 school districts, public community colleges, or not-for-profit
19 community-based organizations or a cooperative partnership
20 among these entities.

21 (e) In order to distribute funding based upon the need to
22 ensure delivery of programs that will have the greatest impact,
23 IHOPE Program funding must be distributed based upon the
24 proportion of dropouts in the educational service region or
25 school district, in the case of a school district organized
26 under Article 34 of this Code, to the total number of dropouts

1 in this State. This formula shall employ the dropout data
2 provided by school districts to the State Board of Education.

3 A regional office of education or a school district
4 organized under Article 34 of this Code may claim State aid
5 under Section 18-8.05 of this Code for students enrolled in a
6 program funded by the IHOPE Program, provided that the State
7 Board of Education has approved the IHOPE Plan and that these
8 students are receiving services that are meeting the
9 requirements of Section 27-22 of this Code for receipt of a
10 high school diploma and are otherwise eligible to be claimed
11 for general State aid under Section 18-8.05 of this Code,
12 including provisions related to the minimum number of days of
13 pupil attendance pursuant to Section 10-19 of this Code and the
14 minimum number of daily hours of school work and any exceptions
15 thereto as defined by the State Board of Education in rules.

16 (f) IHOPE categories of programming may include the
17 following:

18 (1) Full-time programs that are comprehensive,
19 year-round programs.

20 (2) Part-time programs combining work and study
21 scheduled at various times that are flexible to the needs
22 of students.

23 (3) Online programs and courses in which students take
24 courses and complete on-site, supervised tests that
25 measure the student's mastery of a specific course needed
26 for graduation. Students may take courses online and earn

1 credit or students may prepare to take supervised tests for
2 specific courses for credit leading to receipt of a high
3 school diploma.

4 (4) Dual enrollment in which students attend high
5 school classes in combination with community college
6 classes or students attend community college classes while
7 simultaneously earning high school credit and eventually a
8 high school diploma.

9 (g) In order to have successful comprehensive programs
10 re-enrolling and graduating low-skilled high school dropouts,
11 programs funded through the IHOPE Program shall include all of
12 the following components:

13 (1) Small programs (70 to 100 students) at a separate
14 school site with a distinct identity. Programs may be
15 larger with specific need and justification, keeping in
16 mind that it is crucial to keep programs small to be
17 effective.

18 (2) Specific performance-based goals and outcomes and
19 measures of enrollment, attendance, skills, credits,
20 graduation, and the transition to college, training, and
21 employment.

22 (3) Strong, experienced leadership and teaching staff
23 who are provided with ongoing professional development.

24 (4) Voluntary enrollment.

25 (5) High standards for student learning, integrating
26 work experience, and education, including during the

1 school year and after school, and summer school programs
2 that link internships, work, and learning.

3 (6) Comprehensive programs providing extensive support
4 services.

5 (7) Small teams of students supported by full-time paid
6 mentors who work to retain and help those students
7 graduate.

8 (8) A comprehensive technology learning center with
9 Internet access and broad-based curriculum focusing on
10 academic and career subject areas.

11 (9) Learning opportunities that incorporate action
12 into study.

13 (h) Programs funded through the IHOPE Program must report
14 data to the State Board of Education as requested. This
15 information shall include, but is not limited to, student
16 enrollment figures, attendance information, course completion
17 data, graduation information, and post-graduation information,
18 as available.

19 (i) Rules must be developed by the State Board of Education
20 to set forth the fund distribution process to regional offices
21 of education and a school district organized under Article 34
22 of this Code, the planning and the conditions upon which an
23 IHOPE Plan would be approved by State Board, and other rules to
24 develop the IHOPE Program.

25 (Source: P.A. 96-106, eff. 7-30-09.)

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

2 (Text of Section before amendment by P.A. 98-544)

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

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

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

1 (c) A school or school district may deny enrollment to a
2 student 17 years of age or older for one semester for failure
3 to meet minimum academic standards if all of the following
4 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 17 years of age or older for one semester for failure
22 to meet minimum attendance standards if all of the following
23 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 17 years
16 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 (Text of Section after amendment by P.A. 98-544)

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

11 (a) For school years before the 2014-2015 school year, any
12 person having custody or control of a child who is below the
13 age of 7 years or is 17 years of age or above and who is
14 enrolled in any of grades kindergarten through 12 in the public
15 school shall cause him to attend the public school in the
16 district wherein he resides when it is in session during the
17 regular school term, unless he is excused under paragraph 2, 3,
18 4, 5, or 6 of Section 26-1. Beginning with the 2014-2015 school
19 year, any person having custody or control of a child who is
20 below the age of 6 years or is 17 years of age or above and who
21 is enrolled in any of grades kindergarten through 12 in the
22 public school shall cause the child to attend the public school
23 in the district wherein he or she resides when it is in session
24 during the regular school term, unless the child is excused
25 under paragraph 2, 3, 4, 5, or 6 of Section 26-1 of this Code.

1 (b) A school district shall deny reenrollment in its
2 secondary schools to any child 19 years of age or above who has
3 dropped out of school and who could not, because of age and
4 lack of credits, attend classes during the normal school year
5 and graduate before his or her twenty-fourth ~~twenty-first~~
6 birthday. A district may, however, enroll the child in a
7 graduation incentives program under Section 26-16 of this Code
8 or an alternative learning opportunities program established
9 under Article 13B. No child shall be denied reenrollment for
10 the above reasons unless the school district first offers the
11 child due process as required in cases of expulsion under
12 Section 10-22.6. If a child is denied reenrollment after being
13 provided with due process, the school district must provide
14 counseling to that child and must direct that child to
15 alternative educational programs, including adult education
16 programs, that lead to graduation or receipt of a GED diploma.

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

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

24 (2) The student and the student's parent or guardian
25 are given written notice warning that the student is
26 failing academically and is subject to denial from

1 enrollment for one semester unless a "D" average (or its
2 equivalent) or better is attained in the current semester.

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

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

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

10 A school or school district may deny enrollment to a
11 student 17 years of age or older for one semester for failure
12 to meet minimum attendance standards if all of the following
13 conditions are met:

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

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

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

25 (4) The student is provided with attendance
26 remediation services, including without limitation

1 assessment, counseling, and support services.

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

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

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

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

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

24 (Source: P.A. 98-544, eff. 7-1-14.)

25 (105 ILCS 5/26-16)

1 Sec. 26-16. Graduation incentives program.

2 (a) The General Assembly finds that it is critical to
3 provide options for children to succeed in school. The purpose
4 of this Section is to provide incentives for and encourage all
5 Illinois students who have experienced or are experiencing
6 difficulty in the traditional education system to enroll in
7 alternative programs.

8 (b) Any student who is below the age of 24 ~~20~~ years is
9 eligible to enroll in a graduation incentives program if he or
10 she:

11 (1) is considered a dropout pursuant to Section 26-2a
12 of this Code;

13 (2) has been suspended or expelled pursuant to Section
14 10-22.6 or 34-19 of this Code;

15 (3) is pregnant or is a parent;

16 (4) has been assessed as chemically dependent; or

17 (5) is enrolled in a bilingual education or LEP
18 program.

19 (c) The following programs qualify as graduation
20 incentives programs for students meeting the criteria
21 established in this Section:

22 (1) Any public elementary or secondary education
23 graduation incentives program established by a school
24 district or by a regional office of education.

25 (2) Any alternative learning opportunities program
26 established pursuant to Article 13B of this Code.

1 (3) Vocational or job training courses approved by the
2 State Superintendent of Education that are available
3 through the Illinois public community college system.
4 Students may apply for reimbursement of 50% of tuition
5 costs for one course per semester or a maximum of 3 courses
6 per school year. Subject to available funds, students may
7 apply for reimbursement of up to 100% of tuition costs upon
8 a showing of employment within 6 months after completion of
9 a vocational or job training program. The qualifications
10 for reimbursement shall be established by the State
11 Superintendent of Education by rule.

12 (4) Job and career programs approved by the State
13 Superintendent of Education that are available through
14 Illinois-accredited private business and vocational
15 schools. Subject to available funds, pupils may apply for
16 reimbursement of up to 100% of tuition costs upon a showing
17 of employment within 6 months after completion of a job or
18 career program. The State Superintendent of Education
19 shall establish, by rule, the qualifications for
20 reimbursement, criteria for determining reimbursement
21 amounts, and limits on reimbursement.

22 (5) Adult education courses that offer preparation for
23 the General Educational Development Test.

24 (d) Graduation incentives programs established by school
25 districts are entitled to claim general State aid, subject to
26 Sections 13B-50, 13B-50.5, and 13B-50.10 of this Code.

1 Graduation incentives programs operated by regional offices of
2 education are entitled to receive general State aid at the
3 foundation level of support per pupil enrolled. A school
4 district must ensure that its graduation incentives program
5 receives supplemental general State aid, transportation
6 reimbursements, and special education resources, if
7 appropriate, for students enrolled in the program.

8 (Source: P.A. 93-858, eff. 1-1-05; 93-1079, eff. 1-21-05.)

9 Section 95. No acceleration or delay. Where this Act makes
10 changes in a statute that is represented in this Act by text
11 that is not yet or no longer in effect (for example, a Section
12 represented by multiple versions), the use of that text does
13 not accelerate or delay the taking effect of (i) the changes
14 made by this Act or (ii) provisions derived from any other
15 Public Act.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.