

1 AN ACT regarding 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
5 Sections 10-20.12, 10-22.18, 26-1, and 26-2 as follows:

6 (105 ILCS 5/10-20.12) (from Ch. 122, par. 10-20.12)

7 Sec. 10-20.12. School year - School age. To establish
8 and keep in operation in each year during a school term of at
9 least the minimum length required by Section 10-19, a
10 sufficient number of free schools for the accommodation of
11 all persons in the district who are 5 years of age or older
12 but under 21 years of age, and to secure for all such persons
13 the right and opportunity to an equal education in such
14 schools; provided that children who will attain the age of 5
15 years on or before September 1 of the year of the 1990-1991
16 school term and each school term thereafter may attend school
17 upon the commencement of such term.

18 Based upon an assessment of a child's readiness to attend
19 school, a school district may permit a child to attend school
20 prior to the dates contained in this Section. Beginning with
21 the 2004-2005 school year, if the parents or guardian of a
22 child who is at least 4 and one-half years of age deems it
23 appropriate for the child to attend school, a school
24 district, including a school district organized under Article
25 34, must permit the child to attend school prior to the dates
26 contained in this Section.

27 In any school district operating on a full year school
28 basis children who will attain age 5 within 30 days after the
29 commencement of a term may attend school upon the
30 commencement of such term. The school district may, by
31 resolution of its board, allow for a full year school plan.

1 (Source: P.A. 87-359.)

2 (105 ILCS 5/10-22.18) (from Ch. 122, par. 10-22.18)

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

21 Beginning with the 2004-2005 school year, each school
22 district, including a school district organized under Article
23 34, must establish kindergarten for the instruction of
24 children who are 5 years of age or older.

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

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

27 Sec. 26-1. Compulsory school age-Exemptions. Whoever has
28 custody or control of any child (i) between the ages of 7 and
29 16 years for school years before the 2004-2005 school year or
30 (ii) between the ages of 5 and 16 years for school years
31 after the 2003-2004 school year shall cause such child to
32 attend some public school in the district wherein the child

1 resides the entire time it is in session during the regular
2 school term, except as provided in Section 10-19.1, and
3 during a required summer school program established under
4 Section 10-22.33B; provided, that the following children
5 shall not be required to attend the public schools:

6 1. Any child attending a private or a parochial school
7 where children are taught the branches of education taught to
8 children of corresponding age and grade in the public
9 schools, and where the instruction of the child in the
10 branches of education is in the English language;

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

24 3. Any child necessarily and lawfully employed according
25 to the provisions of the law regulating child labor may be
26 excused from attendance at school by the county
27 superintendent of schools or the superintendent of the public
28 school which the child should be attending, on certification
29 of the facts by and the recommendation of the school board of
30 the public school district in which the child resides. In
31 districts having part time continuation schools, children so
32 excused shall attend such schools at least 8 hours each week;

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

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

22 (Source: P.A. 89-610, eff. 8-6-96.)

23 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

24 Sec. 26-2. Enrolled pupils not of compulsory school age
25 below--7--or--over--16. For school years before the 2004-2005
26 school year, any person having custody or control of a child
27 who is below the age of 7 years or above the age of 16 years
28 and who is enrolled in any of grades 1 through 12, in the
29 public school shall cause him to attend the public school in
30 the district wherein he resides when it is in session during
31 the regular school term unless he is excused under paragraphs
32 2, 3, 4 or 5 of Section 26-1. For school years after the
33 2003-2004 school year, any person having custody or control

1 of a child who is below the age of 5 years or above the age
2 of 16 years and who is enrolled in any of grades kindergarten
3 through 12 in the public school shall cause the child to
4 attend the public school in the district wherein he or she
5 resides when it is in session during the regular school term
6 unless the child is excused under paragraphs 2, 3, 4, or 5 of
7 Section 26-1 of this Code.

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

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