



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/4/2004, by Dan Cronin

SYNOPSIS AS INTRODUCED:

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 16 to 17 years of age (unless the child has already graduated from high school). Makes related changes. Effective August 1, 2004.

LRB093 20635 NHT 46474 b

FISCAL NOTE ACT
MAY APPLY

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

6 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

7 Sec. 26-1. Compulsory school age; exemptions. Whoever has
8 custody or control of any child between the ages of 7 and 17 ~~16~~
9 years (unless the child has already graduated from high school)
10 shall cause such child to attend some public school in the
11 district wherein the child resides the entire time it is in
12 session during the regular school term, except as provided in
13 Section 10-19.1, and during a required summer school program
14 established under Section 10-22.33B; provided, that the
15 following children shall not be required to attend the public
16 schools:

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

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

1 district truant officer by a competent physician;

2 3. Any child necessarily and lawfully employed according to
3 the provisions of the law regulating child labor may be excused
4 from attendance at school by the county superintendent of
5 schools or the superintendent of the public school which the
6 child should be attending, on certification of the facts by and
7 the recommendation of the school board of the public school
8 district in which the child resides. In districts having part
9 time continuation schools, children so excused shall attend
10 such schools at least 8 hours each week;

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

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

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

35 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

1 Sec. 26-2. Enrolled pupils below 7 or 17 or over ~~16~~. Any
2 person having custody or control of a child who is below the
3 age of 7 years or is 17 years of age or above ~~the age of 16~~
4 ~~years~~ and who is enrolled in any of grades 1 through 12, in the
5 public school shall cause him to attend the public school in
6 the district wherein he resides when it is in session during
7 the regular school term unless he is excused under paragraphs
8 2, 3, 4 or 5 of Section 26-1.

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

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

28 (105 ILCS 5/26-14) (from Ch. 122, par. 26-14)

29 Sec. 26-14. Truancy programs for dropouts. Any dropout, as
30 defined in Section 26-2a, who is 17 ~~whose age is 16 or greater,~~
31 ~~but less than 18~~ years of age, may apply to a school district
32 for status as a truant, and the school district shall permit
33 such person to participate in the district's various programs
34 and resources for truants. At the time of the person's
35 application, the district may request documentation of his

1 dropout status for the previous 6 months.

2 (Source: P.A. 85-629.)

3 Section 99. Effective date. This Act takes effect August 1,

4 2004.