



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB3665

Introduced 02/24/05, by Rep. Calvin L. Giles

SYNOPSIS AS INTRODUCED:

105 ILCS 5/26-2

from Ch. 122, par. 26-2

Amends the School Code. Makes a technical change in a Section concerning compulsory attendance.

LRB094 06821 NHT 36924 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 Section
5 26-2 as follows:

6 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

7 (Text of Section from P.A. 93-803)

8 Sec. 26-2. Enrolled pupils below 7 or over 16.

9 (a) Any person having custody or control of a child who is
10 below the ~~the~~ age of 7 years or above the age of 16 years and
11 who is enrolled in any of grades 1 through 12, in the public
12 school shall cause him to attend the public school in the
13 district wherein he resides when it is in session during the
14 regular school term unless he is excused under paragraphs 2, 3,
15 4 or 5 of Section 26-1.

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

31 (c) A school or school district may deny enrollment to a
32 student 16 years of age or older for one semester for failure

1 to meet minimum academic standards if all of the following
2 conditions are met:

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

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

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

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

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

18 A school or school district may deny enrollment to a
19 student 16 years of age or older for one semester for failure
20 to meet minimum attendance standards if all of the following
21 conditions are met:

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

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

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

33 (4) The student is provided with attendance
34 remediation services, including without limitation
35 assessment, counseling, and support services.

36 (5) The student is absent without valid cause for 20%

1 or more of the attendance days in the current semester.

2 A school or school district may not deny enrollment to a
3 student (or reenrollment to a dropout) who is at least 16 years
4 of age or older but not more than 19 years for more than one
5 consecutive semester for failure to meet academic or attendance
6 standards.

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

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

19 (f) The State Board of Education shall adopt any rules
20 necessary to implement the changes to this Section made by this
21 amendatory Act of the 93rd General Assembly.

22 (Source: P.A. 92-42, eff. 1-1-02; 93-803, eff. 7-23-04.)

23 (Text of Section from P.A. 93-858)

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

31 A school district shall deny reenrollment in its secondary
32 schools to any child 17 years of age or above who has dropped
33 out of school and who could not, because of age and lack of
34 credits, attend classes during the normal school year and
35 graduate before his or her twenty-first birthday. A district

1 may, however, enroll the child in a graduation incentives
2 program under Section 26-16 of this Code or an alternative
3 learning opportunities program established under Article 13B.
4 No child shall be denied reenrollment for the above reasons
5 unless the school district first offers the child due process
6 as required in cases of expulsion under Section 10-22.6. If a
7 child is denied reenrollment after being provided with due
8 process, the school district must provide counseling to that
9 child and must direct that child to alternative educational
10 programs, including adult education programs, that lead to
11 graduation or receipt of a GED diploma. No child may be denied
12 reenrollment in violation of the Individuals with Disabilities
13 Education Act or the Americans with Disabilities Act.
14 (Source: P.A. 92-42, eff. 1-1-02; 93-858, eff. 1-1-05.)