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LRB094 10574 NHT 47006 a

1 AMENDMENT TO SENATE BILL 409

2 AMENDMENT NO. _____. Amend Senate Bill 409 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 26-1 and 26-2 and by changing and renumbering Section 34-18.26
6 as follows:

7 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

8 Sec. 26-1. Compulsory school age-Exemptions. Whoever has
9 custody or control of any child (i) between the ages of 7 and
10 17 years (unless the child has already graduated from high
11 school) if the child resides within a school district other
12 than a school district organized under Article 34 of this Code
13 or (ii) between the ages of 7 and 17 years (unless the child
14 has already graduated from high school) for school years before
15 the 2006-2007 school year or between the ages of 5 and 17 years
16 (unless the child has already graduated from high school) for
17 school years after the 2005-2006 school year if the child
18 resides within a school district organized under Article 34 of
19 this Code shall cause such child to attend some public school
20 in the district wherein the child resides the entire time it is
21 in session during the regular school term, except as provided
22 in Section 10-19.1, and during a required summer school program
23 established under Section 10-22.33B; provided, that the
24 following children shall not be required to attend the public

1 schools:

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

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

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

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

30 5. Any child absent from a public school on a particular
31 day or days or at a particular time of day for the reason that
32 he is unable to attend classes or to participate in any
33 examination, study or work requirements on a particular day or
34 days or at a particular time of day, because the tenets of his

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

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

23 7. For children who reside within a school district
24 organized under Article 34 of this Code, any child attending a
25 non-profit or for-profit child care center that provides
26 kindergarten where children are taught the branches of
27 education taught to children of corresponding age and grade in
28 the public schools and where the instruction of the child in
29 the branches of education is in the English language; and

30 8. For children who reside within a school district
31 organized under Article 34 of this Code, beginning with the
32 2006-2007 school year, any child who has not reached the age of
33 7 years by September 1 and whose parent or guardian notifies
34 the school district or the school at which the child would be

1 enrolled that he or she does not wish the child to attend
2 school until the following school year because the child, in
3 the opinion of the parent or guardian, is not mentally,
4 physically, or emotionally prepared to attend school. In such
5 cases, the child's attendance may be delayed for one school
6 year.

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

8 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

9 Sec. 26-2. Enrolled pupils not of compulsory school age
10 below 7 or over 17.

11 (a) Any person having custody or control of a child who (i)
12 is below the age of 7 years or is 17 years of age or above and
13 who is enrolled in any of grades 1 through 12 in the public
14 school of a school district other than a school district
15 organized under Article 34 of this Code, (ii) for school years
16 before the 2006-2007 school year, is below the age of 7 years
17 or is 17 years of age or above and who is enrolled in any of
18 grades 1 through 12 in the public school of a school district
19 organized under Article 34 of this Code, or (iii) for school
20 years after the 2005-2006 school year, is below the age of 5
21 years or is 17 years of age or above and who is enrolled in any
22 of grades kindergarten through 12 in the public school of a
23 school district organized under Article 34 of this Code shall
24 cause him to attend the public school in the district wherein
25 he resides when it is in session during the regular school
26 term, unless he is excused under paragraph 2, 3, 4, 5, ~~or~~ 6, 7,
27 or 8 of Section 26-1 of this Code.

28 (b) A school district shall deny reenrollment in its
29 secondary schools to any child 19 years of age or above who has
30 dropped out of school and who could not, because of age and
31 lack of credits, attend classes during the normal school year
32 and graduate before his or her twenty-first birthday. A
33 district may, however, enroll the child in a graduation

1 incentives program under Section 26-16 of this Code or an
2 alternative learning opportunities program established under
3 Article 13B. No child shall be denied reenrollment for the
4 above reasons unless the school district first offers the child
5 due process as required in cases of expulsion under Section
6 10-22.6. If a child is denied reenrollment after being provided
7 with due process, the school district must provide counseling
8 to that child and must direct that child to alternative
9 educational programs, including adult education programs, that
10 lead to graduation or receipt of a GED diploma.

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

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

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

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

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

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

30 A school or school district may deny enrollment to a
31 student 17 years of age or older for one semester for failure
32 to meet minimum attendance standards if all of the following
33 conditions are met:

34 (1) The student was absent without valid cause for 20%

1 or more of the attendance days in the semester immediately
2 prior to the current semester.

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

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

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

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

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

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

24 (e) In this subsection (e), "reenrolled student" means a
25 dropout who has reenrolled full-time in a public school. Each
26 school district shall identify, track, and report on the
27 educational progress and outcomes of reenrolled students as a
28 subset of the district's required reporting on all enrollments.
29 A reenrolled student who again drops out must not be counted
30 again against a district's dropout rate performance measure.
31 The State Board of Education shall set performance standards
32 for programs serving reenrolled students.

33 (f) The State Board of Education shall adopt any rules
34 necessary to implement the changes to this Section made by

1 Public Act 93-803.

2 (Source: P.A. 92-42, eff. 1-1-02; 93-803, eff. 7-23-04; 93-858,
3 eff. 1-1-05; 93-1079, eff. 1-21-05.)

4 (105 ILCS 5/34-18.27)

5 Sec. 34-18.27 ~~34-18.26~~. Kindergarten ~~Summer kindergarten~~.

6 (a) Beginning with the 2006-2007 school year, the board
7 must establish kindergarten for the instruction of children who
8 are 5 years of age or older.

9 (b) The board may establish, maintain, and operate, in
10 connection with the kindergarten program of the school
11 district, a summer kindergarten program that begins 2 months
12 before the beginning of the regular school year and a summer
13 kindergarten program for grade one readiness for those pupils
14 making unsatisfactory progress during the regular kindergarten
15 session that will continue for 2 months after the regular
16 school year. The summer kindergarten program may be held within
17 the school district or, pursuant to a contract that must be
18 approved by the State Board of Education, may be operated by 2
19 or more adjacent school districts or by a public or private
20 university or college. Transportation for students attending
21 the summer kindergarten program shall be the responsibility of
22 the school district. The expense of establishing, maintaining,
23 and operating the summer kindergarten program may be paid from
24 funds contributed or otherwise made available to the school
25 district for that purpose by federal or State appropriation.

26 (Source: P.A. 93-472, eff. 8-8-03; revised 9-24-03.)".