



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1156

Introduced 2/8/2007, by Sen. Pamela J. Althoff

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of State Police Law of the Civil Administrative Code of Illinois, the School Code, the Illinois Health Statistics Act, the Minimum Wage Law, and the Victims' Economic Security and Safety Act. Removes provisions concerning the requirement that criminal history record checks of school district job applicants be fingerprint-based, the State Board of Education collecting certain school information, a district that has a school on academic early warning status preparing a revised school improvement plan, the development of a school restructuring plan, placing districts on academic early warning or watch status, school improvement plan peer review, authorizing the State Superintendent of Education to direct the reassignment or replacement of district personnel, prohibiting waivers from compliance with the No Child Left Behind Act of 2001, certain technical assistance from the State Board, State testing in certain subjects and grades beginning no later than the 2005-2006 school year, the compulsory school age extending until age 17, reporting on reenrolled students, a district ensuring that its graduation incentives program receives certain resources, requiring dental examinations and the collection of data relating to obesity, the teaching of history including the study of Asian Americans, increases in the minimum wage for school district employees after June 30, 2007, and defining "employer" to include school districts under the Victims' Economic Security and Safety Act. Makes other changes. Effective June 30, 2007.

LRB095 04610 NHT 24667 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Department of State Police Law of the Civil  
5 Administrative Code of Illinois is amended by changing Section  
6 2605-325 as follows:

7 (20 ILCS 2605/2605-325) (was 20 ILCS 2605/55a in part)

8 Sec. 2605-325. Conviction information for school board or  
9 regional superintendent. On request of a school board or  
10 regional superintendent of schools, to conduct a  
11 ~~fingerprint-based~~ criminal history records check pursuant to  
12 Section 10-21.9 or 34-18.5 of the School Code. The Department  
13 shall furnish the conviction information to the president of  
14 the school board of the school district that has requested the  
15 information or, if the information was requested by the  
16 regional superintendent, to that regional superintendent.

17 (Source: P.A. 93-909, eff. 8-12-04.)

18 Section 10. The School Code is amended by changing Sections  
19 2-3.25b, 2-3.25d, 2-3.25f, 2-3.25g, 2-3.25h, 2-3.64, 10-21.9,  
20 26-1, 26-2, 26-14, 26-16, 27-8.1, 27-21, and 34-18.5 as  
21 follows:

1 (105 ILCS 5/2-3.25b) (from Ch. 122, par. 2-3.25b)

2 Sec. 2-3.25b. Recognition levels. The State Board of  
3 Education shall, consistent with adopted recognition  
4 standards, provide for levels of recognition or  
5 nonrecognition. The State Board of Education shall promulgate  
6 rules governing the procedures whereby school districts may  
7 appeal a recognition level.

8 The State Board of Education shall have the authority to  
9 collect from ~~schools and~~ school districts the information,  
10 data, test results, student performance and school improvement  
11 indicators as may be necessary to implement and carry out the  
12 purposes of this Act.

13 (Source: P.A. 93-470, eff. 8-8-03.)

14 (105 ILCS 5/2-3.25d) (from Ch. 122, par. 2-3.25d)

15 Sec. 2-3.25d. Academic early warning and watch status.

16 (a) Beginning with the 2005-2006 school year, unless the  
17 federal government formally disapproves of such policy through  
18 the submission and review process for the Illinois  
19 Accountability Workbook, those schools that do not meet  
20 adequate yearly progress criteria for 2 consecutive annual  
21 calculations in the same subgroup and in the same subject or in  
22 their participation rate, attendance rate, or graduation rate  
23 shall be placed on academic early warning status for the next  
24 school year. Schools on academic early warning status that do  
25 not meet adequate yearly progress criteria for a third annual

1 calculation in the same subgroup and in the same subject or in  
2 their participation rate, attendance rate, or graduation rate  
3 shall remain on academic early warning status. Schools on  
4 academic early warning status that do not meet adequate yearly  
5 progress criteria for a fourth annual calculation in the same  
6 subgroup and in the same subject or in their participation  
7 rate, attendance rate, or graduation rate shall be placed on  
8 initial academic watch status. Schools on academic watch status  
9 that do not meet adequate yearly progress criteria for a fifth  
10 or subsequent annual calculation in the same subgroup and in  
11 the same subject or in their participation rate, attendance  
12 rate, or graduation rate shall remain on academic watch status.  
13 Schools on academic early warning or academic watch status that  
14 meet adequate yearly progress criteria for one annual  
15 calculation shall be considered as having met expectations and  
16 shall be removed from any status designation.

17 The school district of a school placed on either academic  
18 early warning status or academic watch status may appeal the  
19 status to the State Board of Education in accordance with  
20 Section 2-3.25m of this Code.

21 A school district that has one or more schools on ~~academic~~  
22 ~~early warning or~~ academic watch status shall prepare a revised  
23 School Improvement Plan or amendments thereto setting forth the  
24 district's expectations for removing each school from ~~academic~~  
25 ~~early warning or~~ academic watch status and for improving  
26 student performance in the affected school or schools.

1 Districts operating under Article 34 of this Code may prepare  
2 the School Improvement Plan required under Section 34-2.4 of  
3 this Code.

4 ~~The revised School Improvement Plan for a school that is~~  
5 ~~initially placed on academic early warning status or that~~  
6 ~~remains on academic early warning status after a third annual~~  
7 ~~calculation must be approved by the school board (and by the~~  
8 ~~school's local school council in a district operating under~~  
9 ~~Article 34 of this Code, unless the school is on probation~~  
10 ~~pursuant to subsection (c) of Section 34-8.3 of this Code).~~

11 The revised School Improvement Plan for a school that is  
12 initially placed on academic watch status after a fourth annual  
13 calculation must be approved by the school board (and by the  
14 school's local school council in a district operating under  
15 Article 34 of this Code, unless the school is on probation  
16 pursuant to subsection (c) of Section 34-8.3 of this Code).

17 The revised School Improvement Plan for a school that  
18 remains on academic watch status after a fifth annual  
19 calculation must be approved by the school board (and by the  
20 school's local school council in a district operating under  
21 Article 34 of this Code, unless the school is on probation  
22 pursuant to subsection (c) of Section 34-8.3 of this Code). ~~In~~  
23 ~~addition, the district must develop a school restructuring plan~~  
24 ~~for the school that must be approved by the school board (and~~  
25 ~~by the school's local school council in a district operating~~  
26 ~~under Article 34 of this Code).~~

1       ~~A school on academic watch status that does not meet~~  
2 ~~adequate yearly progress criteria for a sixth annual~~  
3 ~~calculation shall implement its approved school restructuring~~  
4 ~~plan beginning with the next school year, subject to the State~~  
5 ~~interventions specified in Section 2-3.25f of this Code.~~

6       (b) (Blank). ~~Beginning with the 2005-2006 school year,~~  
7 ~~unless the federal government formally disapproves of such~~  
8 ~~policy through the submission and review process for the~~  
9 ~~Illinois Accountability Workbook, those school districts that~~  
10 ~~do not meet adequate yearly progress criteria for 2 consecutive~~  
11 ~~annual calculations in the same subgroup and in the same~~  
12 ~~subject or in their participation rate, attendance rate, or~~  
13 ~~graduation rate shall be placed on academic early warning~~  
14 ~~status for the next school year. Districts on academic early~~  
15 ~~warning status that do not meet adequate yearly progress~~  
16 ~~criteria for a third annual calculation in the same subgroup~~  
17 ~~and in the same subject or in their participation rate,~~  
18 ~~attendance rate, or graduation rate shall remain on academic~~  
19 ~~early warning status. Districts on academic early warning~~  
20 ~~status that do not meet adequate yearly progress criteria for a~~  
21 ~~fourth annual calculation in the same subgroup and in the same~~  
22 ~~subject or in their participation rate, attendance rate, or~~  
23 ~~graduation rate shall be placed on initial academic watch~~  
24 ~~status. Districts on academic watch status that do not meet~~  
25 ~~adequate yearly progress criteria for a fifth or subsequent~~  
26 ~~annual calculation in the same subgroup and in the same subject~~

1 ~~or in their participation rate, attendance rate, or graduation~~  
2 ~~rate shall remain on academic watch status. Districts on~~  
3 ~~academic early warning or academic watch status that meet~~  
4 ~~adequate yearly progress criteria for one annual calculation~~  
5 ~~shall be considered as having met expectations and shall be~~  
6 ~~removed from any status designation.~~

7 ~~A district placed on either academic early warning status~~  
8 ~~or academic watch status may appeal the status to the State~~  
9 ~~Board of Education in accordance with Section 2-3.25m of this~~  
10 ~~Code.~~

11 ~~Districts on academic early warning or academic watch~~  
12 ~~status shall prepare a District Improvement Plan or amendments~~  
13 ~~thereto setting forth the district's expectations for removing~~  
14 ~~the district from academic early warning or academic watch~~  
15 ~~status and for improving student performance in the district.~~

16 ~~All District Improvement Plans must be approved by the~~  
17 ~~school board.~~

18 (c) All revised School ~~and District~~ Improvement Plans shall  
19 be developed in collaboration with parents, staff in the  
20 affected school ~~or school district~~, and outside experts. All  
21 revised School ~~and District~~ Improvement Plans shall be  
22 developed, submitted, and monitored pursuant to rules adopted  
23 by the State Board of Education. The revised Improvement Plan  
24 shall address measurable outcomes for improving student  
25 performance so that such performance meets adequate yearly  
26 progress criteria as specified by the State Board of Education.

1 ~~All school districts required to revise a School Improvement~~  
2 ~~Plan in accordance with this Section shall establish a peer~~  
3 ~~review process for the evaluation of School Improvement Plans.~~

4 (d) All federal requirements apply to schools and school  
5 districts utilizing federal funds under Title I, Part A of the  
6 federal Elementary and Secondary Education Act of 1965.

7 (e) The State Board of Education, from any moneys it may  
8 have available for this purpose, must implement and administer  
9 a grant program that provides 2-year grants to school districts  
10 on the academic watch list and other school districts that have  
11 the lowest achieving students, as determined by the State Board  
12 of Education, to be used to improve student achievement. In  
13 order to receive a grant under this program, a school district  
14 must establish an accountability program. The accountability  
15 program must involve the use of statewide testing standards and  
16 local evaluation measures. A grant shall be automatically  
17 renewed when achievement goals are met. The Board may adopt any  
18 rules necessary to implement and administer this grant program.

19 (Source: P.A. 93-470, eff. 8-8-03; 93-890, eff. 8-9-04; 94-666,  
20 eff. 8-23-05; 94-875, eff. 7-1-06.)

21 (105 ILCS 5/2-3.25f) (from Ch. 122, par. 2-3.25f)

22 Sec. 2-3.25f. State interventions.

23 (a) The State Board of Education shall provide technical  
24 assistance to assist with the development and implementation of  
25 School ~~and District~~ Improvement Plans.



1        School ~~Schools or school~~ districts that fail to make  
2 reasonable efforts to implement an approved Improvement Plan  
3 may suffer loss of State funds by school district, attendance  
4 center, or program as the State Board of Education deems  
5 appropriate.

6        (b) In addition, if after 3 years following its placement  
7 on academic watch status a ~~school district or~~ school remains on  
8 academic watch status, the State Board of Education shall take  
9 one of the following actions for the district or school:

10        (1) The State Board of Education may authorize the  
11 State Superintendent of Education to direct the regional  
12 superintendent of schools to remove school board members  
13 pursuant to Section 3-14.28 of this Code. Prior to such  
14 direction the State Board of Education shall permit members  
15 of the local board of education to present written and oral  
16 comments to the State Board of Education. The State Board  
17 of Education may direct the State Superintendent of  
18 Education to appoint an Independent Authority that shall  
19 exercise such powers and duties as may be necessary to  
20 operate a school or school district for purposes of  
21 improving pupil performance and school improvement. The  
22 State Superintendent of Education shall designate one  
23 member of the Independent Authority to serve as chairman.  
24 The Independent Authority shall serve for a period of time  
25 specified by the State Board of Education upon the  
26 recommendation of the State Superintendent of Education.

1           (2) The State Board of Education may (A) change the  
2 recognition status of the school district or school to  
3 nonrecognized, or (B) authorize the State Superintendent  
4 of Education to direct the reassignment of pupils ~~or direct~~  
5 ~~the reassignment or replacement of school district~~  
6 ~~personnel who are relevant to the failure to meet adequate~~  
7 ~~yearly progress criteria.~~ If a school district is  
8 nonrecognized in its entirety, it shall automatically be  
9 dissolved on July 1 following that nonrecognition and its  
10 territory realigned with another school district or  
11 districts by the regional board of school trustees in  
12 accordance with the procedures set forth in Section 7-11 of  
13 the School Code. The effective date of the nonrecognition  
14 of a school shall be July 1 following the nonrecognition.

15           (c) All federal requirements apply to schools and school  
16 districts utilizing federal funds under Title I, Part A of the  
17 federal Elementary and Secondary Education Act of 1965.

18           (Source: P.A. 93-470, eff. 8-8-03; 94-875, eff. 7-1-06.)

19           (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)  
20           Sec. 2-3.25g. Waiver or modification of mandates within the  
21 School Code and administrative rules and regulations.

22           (a) In this Section:

23           "Board" means a school board or the governing board or  
24 administrative district, as the case may be, for a joint  
25 agreement.

1           "Eligible applicant" means a school district, joint  
2           agreement made up of school districts, or regional  
3           superintendent of schools on behalf of schools and programs  
4           operated by the regional office of education.

5           "State Board" means the State Board of Education.

6           (b) Notwithstanding any other provisions of this School  
7           Code or any other law of this State to the contrary, eligible  
8           applicants may petition the State Board of Education for the  
9           waiver or modification of the mandates of this School Code or  
10          of the administrative rules and regulations promulgated by the  
11          State Board of Education. Waivers or modifications of  
12          administrative rules and regulations and modifications of  
13          mandates of this School Code may be requested when an eligible  
14          applicant demonstrates that it can address the intent of the  
15          rule or mandate in a more effective, efficient, or economical  
16          manner or when necessary to stimulate innovation or improve  
17          student performance. Waivers of mandates of the School Code may  
18          be requested when the waivers are necessary to stimulate  
19          innovation or improve student performance. Waivers may not be  
20          requested from laws, rules, and regulations pertaining to  
21          special education, teacher certification, teacher tenure and  
22          seniority, or Section 5-2.1 of this Code ~~or from compliance~~  
23          ~~with the No Child Left Behind Act of 2001 (Public Law 107-110).~~

24          (c) Eligible applicants, as a matter of inherent managerial  
25          policy, and any Independent Authority established under  
26          Section 2-3.25f may submit an application for a waiver or

1 modification authorized under this Section. Each application  
2 must include a written request by the eligible applicant or  
3 Independent Authority and must demonstrate that the intent of  
4 the mandate can be addressed in a more effective, efficient, or  
5 economical manner or be based upon a specific plan for improved  
6 student performance and school improvement. Any eligible  
7 applicant requesting a waiver or modification for the reason  
8 that intent of the mandate can be addressed in a more  
9 economical manner shall include in the application a fiscal  
10 analysis showing current expenditures on the mandate and  
11 projected savings resulting from the waiver or modification.  
12 Applications and plans developed by eligible applicants must be  
13 approved by the board or regional superintendent of schools  
14 applying on behalf of schools or programs operated by the  
15 regional office of education following a public hearing on the  
16 application and plan and the opportunity for the board or  
17 regional superintendent to hear testimony from staff directly  
18 involved in its implementation, parents, and students. The time  
19 period for such testimony shall be separate from the time  
20 period established by the eligible applicant for public comment  
21 on other matters. If the applicant is a school district or  
22 joint agreement requesting a waiver or modification of Section  
23 27-6 of this Code, the public hearing shall be held on a day  
24 other than the day on which a regular meeting of the board is  
25 held. If the applicant is a school district, the public hearing  
26 must be preceded by at least one published notice occurring at

1 least 7 days prior to the hearing in a newspaper of general  
2 circulation within the school district that sets forth the  
3 time, date, place, and general subject matter of the hearing.  
4 If the applicant is a joint agreement or regional  
5 superintendent, the public hearing must be preceded by at least  
6 one published notice (setting forth the time, date, place, and  
7 general subject matter of the hearing) occurring at least 7  
8 days prior to the hearing in a newspaper of general circulation  
9 in each school district that is a member of the joint agreement  
10 or that is served by the educational service region, provided  
11 that a notice appearing in a newspaper generally circulated in  
12 more than one school district shall be deemed to fulfill this  
13 requirement with respect to all of the affected districts. The  
14 eligible applicant must notify in writing the affected  
15 exclusive collective bargaining agent and those State  
16 legislators representing the eligible applicant's territory of  
17 its intent to seek approval of a waiver or modification and of  
18 the hearing to be held to take testimony from staff. The  
19 affected exclusive collective bargaining agents shall be  
20 notified of such public hearing at least 7 days prior to the  
21 date of the hearing and shall be allowed to attend such public  
22 hearing. The eligible applicant shall attest to compliance with  
23 all of the notification and procedural requirements set forth  
24 in this Section.

25 (d) A request for a waiver or modification of  
26 administrative rules and regulations or for a modification of

1 mandates contained in this School Code shall be submitted to  
2 the State Board of Education within 15 days after approval by  
3 the board or regional superintendent of schools. The  
4 application as submitted to the State Board of Education shall  
5 include a description of the public hearing. Following receipt  
6 of the request, the State Board shall have 45 days to review  
7 the application and request. If the State Board fails to  
8 disapprove the application within that 45 day period, the  
9 waiver or modification shall be deemed granted. The State Board  
10 may disapprove any request if it is not based upon sound  
11 educational practices, endangers the health or safety of  
12 students or staff, compromises equal opportunities for  
13 learning, or fails to demonstrate that the intent of the rule  
14 or mandate can be addressed in a more effective, efficient, or  
15 economical manner or have improved student performance as a  
16 primary goal. Any request disapproved by the State Board may be  
17 appealed to the General Assembly by the eligible applicant as  
18 outlined in this Section.

19 A request for a waiver from mandates contained in this  
20 School Code shall be submitted to the State Board within 15  
21 days after approval by the board or regional superintendent of  
22 schools. The application as submitted to the State Board of  
23 Education shall include a description of the public hearing.  
24 The description shall include, but need not be limited to, the  
25 means of notice, the number of people in attendance, the number  
26 of people who spoke as proponents or opponents of the waiver, a

1 brief description of their comments, and whether there were any  
2 written statements submitted. The State Board shall review the  
3 applications and requests for completeness and shall compile  
4 the requests in reports to be filed with the General Assembly.  
5 The State Board shall file reports outlining the waivers  
6 requested by eligible applicants and appeals by eligible  
7 applicants of requests disapproved by the State Board with the  
8 Senate and the House of Representatives before each March 1 and  
9 October 1. The General Assembly may disapprove the report of  
10 the State Board in whole or in part within 60 calendar days  
11 after each house of the General Assembly next convenes after  
12 the report is filed by adoption of a resolution by a record  
13 vote of the majority of members elected in each house. If the  
14 General Assembly fails to disapprove any waiver request or  
15 appealed request within such 60 day period, the waiver or  
16 modification shall be deemed granted. Any resolution adopted by  
17 the General Assembly disapproving a report of the State Board  
18 in whole or in part shall be binding on the State Board.

19 (e) An approved waiver or modification may remain in effect  
20 for a period not to exceed 5 school years and may be renewed  
21 upon application by the eligible applicant. However, such  
22 waiver or modification may be changed within that 5-year period  
23 by a board or regional superintendent of schools applying on  
24 behalf of schools or programs operated by the regional office  
25 of education following the procedure as set forth in this  
26 Section for the initial waiver or modification request. If

1 neither the State Board of Education nor the General Assembly  
2 disapproves, the change is deemed granted.

3 (f) On or before February 1, 1998, and each year  
4 thereafter, the State Board of Education shall submit a  
5 cumulative report summarizing all types of waivers of mandates  
6 and modifications of mandates granted by the State Board or the  
7 General Assembly. The report shall identify the topic of the  
8 waiver along with the number and percentage of eligible  
9 applicants for which the waiver has been granted. The report  
10 shall also include any recommendations from the State Board  
11 regarding the repeal or modification of waived mandates.

12 (Source: P.A. 93-470, eff. 8-8-03; 93-557, eff. 8-20-03;  
13 93-707, eff. 7-9-04; 94-198, eff. 1-1-06; 94-432, eff. 8-2-05;  
14 94-875, eff. 7-1-06.)

15 (105 ILCS 5/2-3.25h) (from Ch. 122, par. 2-3.25h)

16 Sec. 2-3.25h. Technical assistance; State support  
17 services. School ~~Schools, school~~ districts, local school  
18 councils, school improvement panels, and any Independent  
19 Authority established under Section 2-3.25f may receive  
20 technical assistance through ~~that~~ the State Board of Education  
21 ~~shall make available~~. Such technical assistance may ~~shall~~  
22 include without limitation assistance in the areas of  
23 curriculum evaluation, the instructional process, student  
24 performance, school environment, staff effectiveness, school  
25 and community relations, parental involvement, resource



1 management, and leadership, ~~data analysis processes and tools,~~  
2 ~~school improvement plan guidance and feedback, information~~  
3 ~~regarding scientifically based research proven curriculum and~~  
4 ~~instruction, and professional development opportunities for~~  
5 ~~teachers and administrators.~~

6 (Source: P.A. 93-470, eff. 8-8-03.)

7 (105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

8 Sec. 2-3.64. State goals and assessment.

9 (a) Beginning in the 1998-1999 school year, the State Board  
10 of Education shall establish standards and periodically, in  
11 collaboration with local school districts, conduct studies of  
12 student performance in the learning areas of fine arts and  
13 physical development/health.

14 Beginning with the 1998-1999 school year until the  
15 2004-2005 school year and beginning again with the 2007-2008  
16 school year, the State Board of Education shall annually test:

17 (i) all pupils enrolled in the 3rd, 5th, and 8th grades in  
18 English language arts (reading, writing, and English grammar)  
19 and mathematics; and (ii) all pupils enrolled in the 4th and  
20 7th grades in the biological and physical sciences and the  
21 social sciences (history, geography, civics, economics, and  
22 government). Unless the testing required to be implemented no  
23 later than the 2005-2006 school year under this subsection (a)  
24 is implemented for the 2004-2005 school year, for the 2004-2005  
25 school year, the State Board of Education shall test: (i) all

1 pupils enrolled in the 3rd, 5th, and 8th grades in English  
2 language arts (reading and English grammar) and mathematics and  
3 (ii) all pupils enrolled in the 4th and 7th grades in the  
4 biological and physical sciences. The maximum time allowed for  
5 all actual testing required under this paragraph shall not  
6 exceed 25 hours, as allocated among the required tests by the  
7 State Board of Education, across all grades tested.

8 Beginning no later than the 2005-2006 school year and until  
9 the 2007-2008 school year, the State Board of Education shall  
10 annually test: (i) all pupils enrolled in the 3rd, 4th, 5th,  
11 6th, 7th, and 8th grades in reading and mathematics and (ii)  
12 all pupils enrolled in the 4th and 7th grades in the biological  
13 and physical sciences. In addition, the State Board of  
14 Education shall test (1) all pupils enrolled in the 5th and 8th  
15 grades in writing during the 2006-2007 school year; (2) all  
16 pupils enrolled in the 5th, 6th, and 8th grades in writing  
17 during the 2007-2008 school year; and (3) all pupils enrolled  
18 in the 3rd, 5th, 6th, and 8th grades in writing during the  
19 2008-2009 school year and each school year thereafter. After  
20 the addition of grades and change in subjects as delineated in  
21 this paragraph and including whatever other tests that may be  
22 approved from time to time no later than the 2005-2006 school  
23 year, the maximum time allowed, through the 2006-2007 school  
24 year, for all State testing in grades 3 through 8 shall not  
25 exceed 38 hours across those grades.

26 Notwithstanding any other provision of this subsection

1 (a), beginning ~~Beginning~~ with the 2004-2005 school year, the  
2 State Board of Education shall not test pupils under this  
3 subsection (a) in physical development and health, fine arts,  
4 and the social sciences (history, geography, civics,  
5 economics, and government). The State Board of Education shall  
6 not test pupils under this subsection (a) in writing during the  
7 2005-2006 school year.

8 The State Board of Education shall establish the academic  
9 standards that are to be applicable to pupils who are subject  
10 to State tests under this Section beginning with the 1998-1999  
11 school year. However, the State Board of Education shall not  
12 establish any such standards in final form without first  
13 providing opportunities for public participation and local  
14 input in the development of the final academic standards. Those  
15 opportunities shall include a well-publicized period of public  
16 comment, public hearings throughout the State, and  
17 opportunities to file written comments. Beginning with the  
18 1998-99 school year and thereafter, the State tests will  
19 identify pupils in the 3rd grade or 5th grade who do not meet  
20 the State standards.

21 If, by performance on the State tests or local assessments  
22 or by teacher judgment, a student's performance is determined  
23 to be 2 or more grades below current placement, the student  
24 shall be provided a remediation program developed by the  
25 district in consultation with a parent or guardian. Such  
26 remediation programs may include, but shall not be limited to,

1 increased or concentrated instructional time, a remedial  
2 summer school program of not less than 90 hours, improved  
3 instructional approaches, tutorial sessions, retention in  
4 grade, and modifications to instructional materials. Each  
5 pupil for whom a remediation program is developed under this  
6 subsection shall be required to enroll in and attend whatever  
7 program the district determines is appropriate for the pupil.  
8 Districts may combine students in remediation programs where  
9 appropriate and may cooperate with other districts in the  
10 design and delivery of those programs. The parent or guardian  
11 of a student required to attend a remediation program under  
12 this Section shall be given written notice of that requirement  
13 by the school district a reasonable time prior to commencement  
14 of the remediation program that the student is to attend. The  
15 State shall be responsible for providing school districts with  
16 the new and additional funding, under Section 2-3.51.5 or by  
17 other or additional means, that is required to enable the  
18 districts to operate remediation programs for the pupils who  
19 are required to enroll in and attend those programs under this  
20 Section. Every individualized educational program as described  
21 in Article 14 shall identify if the State test or components  
22 thereof are appropriate for that student. The State Board of  
23 Education shall develop rules and regulations governing the  
24 administration of alternative tests prescribed within each  
25 student's individualized educational program which are  
26 appropriate to the disability of each student.

1 All pupils who are in a State approved transitional  
2 bilingual education program or transitional program of  
3 instruction shall participate in the State tests. The time  
4 allotted to take the State tests, however, may be extended as  
5 determined by the State Board of Education by rule. Any student  
6 who has been enrolled in a State approved bilingual education  
7 program less than 3 cumulative academic years may take an  
8 accommodated Limited English Proficient student academic  
9 content assessment, as determined by the State Board of  
10 Education, if the student's lack of English as determined by an  
11 English language proficiency test would keep the student from  
12 understanding the regular State test. If the school district  
13 determines, on a case-by-case individual basis, that a Limited  
14 English Proficient student academic content assessment would  
15 likely yield more accurate and reliable information on what the  
16 student knows and can do, the school district may make a  
17 determination to assess the student using a Limited English  
18 Proficient student academic content assessment for a period  
19 that does not exceed 2 additional consecutive years, provided  
20 that the student has not yet reached a level of English  
21 language proficiency sufficient to yield valid and reliable  
22 information on what the student knows and can do on the regular  
23 State test.

24 Reasonable accommodations as prescribed by the State Board  
25 of Education shall be provided for individual students in the  
26 testing procedure. All test procedures prescribed by the State

1 Board of Education shall require: (i) that each test used for  
2 State and local student testing under this Section identify by  
3 name the pupil taking the test; (ii) that the name of the pupil  
4 taking the test be placed on the test at the time the test is  
5 taken; (iii) that the results or scores of each test taken  
6 under this Section by a pupil of the school district be  
7 reported to that district and identify by name the pupil who  
8 received the reported results or scores; and (iv) that the  
9 results or scores of each test taken under this Section be made  
10 available to the parents of the pupil. In addition, in each  
11 school year the highest scores attained by a student on the  
12 Prairie State Achievement Examination administered under  
13 subsection (c) of this Section and any Prairie State  
14 Achievement Awards received by the student shall become part of  
15 the student's permanent record and shall be entered on the  
16 student's transcript pursuant to regulations that the State  
17 Board of Education shall promulgate for that purpose in  
18 accordance with Section 3 and subsection (e) of Section 2 of  
19 the Illinois School Student Records Act. Beginning with the  
20 1998-1999 school year and in every school year thereafter,  
21 scores received by students on the State assessment tests  
22 administered in grades 3 through 8 shall be placed into  
23 students' temporary records.

24 The State Board of Education shall establish a period of  
25 time, to be referred to as the State test window, in each  
26 school year for which State testing shall occur to meet the

1 objectives of this Section. However, if the schools of a  
2 district are closed and classes are not scheduled during any  
3 week that is established by the State Board of Education as the  
4 State test window, the school district may (at the discretion  
5 of the State Board of Education) move its State test window one  
6 week earlier or one week later than the established State test  
7 window, so long as the school district gives the State Board of  
8 Education written notice of its intention to deviate from the  
9 established schedule by December 1 of the school year in which  
10 falls the State test window established by the State Board of  
11 Education for the testing.

12 (a-5) All tests administered pursuant to this Section shall  
13 be academically based. For the purposes of this Section  
14 "academically based tests" shall mean tests consisting of  
15 questions and answers that are measurable and quantifiable to  
16 measure the knowledge, skill, and ability of students in the  
17 subject matters covered by tests. The scoring of academically  
18 based tests shall be reliable, valid, unbiased and shall meet  
19 the guidelines for test development and use prescribed by the  
20 American Psychological Association, the National Council of  
21 Measurement and Evaluation, and the American Educational  
22 Research Association. Academically based tests shall not  
23 include assessments or evaluations of attitudes, values, or  
24 beliefs, or testing of personality, self-esteem, or  
25 self-concept. Nothing in this amendatory Act is intended, nor  
26 shall it be construed, to nullify, supersede, or contradict the

1 legislative intent on academic testing expressed during the  
2 passage of HB 1005/P.A. 90-296. ~~Nothing in this Section is~~  
3 ~~intended, nor shall it be construed, to nullify, supersede, or~~  
4 ~~contradict the legislative intent on academic testing~~  
5 ~~expressed in the preamble of this amendatory Act of the 93rd~~  
6 ~~General Assembly.~~

7 The State Board of Education shall monitor the use of short  
8 answer questions in the math and reading assessments or in  
9 other assessments in order to demonstrate that the use of short  
10 answer questions results in a statistically significant  
11 improvement in student achievement as measured on the State  
12 assessments for math and reading or on other State assessments  
13 and is justifiable in terms of cost and student performance.

14 (b) It shall be the policy of the State to encourage school  
15 districts to continuously test pupil proficiency in the  
16 fundamental learning areas in order to: (i) provide timely  
17 information on individual students' performance relative to  
18 State standards that is adequate to guide instructional  
19 strategies; (ii) improve future instruction; and (iii)  
20 complement the information provided by the State testing system  
21 described in this Section. To assist school districts in  
22 testing pupil proficiency in reading in the primary grades, the  
23 State Board shall make optional reading inventories for  
24 diagnostic purposes available to each school district that  
25 requests such assistance. Districts that administer the  
26 reading inventories may develop remediation programs for



1 students who perform in the bottom half of the student  
2 population. Those remediation programs may be funded by moneys  
3 provided under the School Safety and Educational Improvement  
4 Block Grant Program established under Section 2-3.51.5.

5 (c) Beginning with the 2000-2001 school year, each school  
6 district that operates a high school program for students in  
7 grades 9 through 12 shall annually administer the Prairie State  
8 Achievement Examination established under this subsection to  
9 its students as set forth below. The Prairie State Achievement  
10 Examination shall be developed by the State Board of Education  
11 to measure student performance in the academic areas of  
12 reading, writing, mathematics, science, and social sciences.  
13 Beginning with the 2004-2005 school year, however, the State  
14 Board of Education shall not test a student in the social  
15 sciences (history, geography, civics, economics, and  
16 government) as part of the Prairie State Achievement  
17 Examination unless the student is retaking the Prairie State  
18 Achievement Examination in the fall of 2004. In addition, the  
19 State Board of Education shall not test a student in writing as  
20 part of the Prairie State Achievement Examination during the  
21 2005-2006 school year. The State Board of Education shall  
22 establish the academic standards that are to apply in measuring  
23 student performance on the Prairie State Achievement  
24 Examination including the minimum examination score in each  
25 area that will qualify a student to receive a Prairie State  
26 Achievement Award from the State in recognition of the

1 student's excellent performance. Each school district that is  
2 subject to the requirements of this subsection (c) shall afford  
3 all students 2 opportunities to take the Prairie State  
4 Achievement Examination beginning as late as practical during  
5 the second semester of grade 11, but in no event before March  
6 1. The State Board of Education shall annually notify districts  
7 of the weeks during which these test administrations shall be  
8 required to occur. Every individualized educational program as  
9 described in Article 14 shall identify if the Prairie State  
10 Achievement Examination or components thereof are appropriate  
11 for that student. Each student, exclusive of a student whose  
12 individualized educational program developed under Article 14  
13 identifies the Prairie State Achievement Examination as  
14 inappropriate for the student, shall be required to take the  
15 examination in grade 11. For each academic area the State Board  
16 of Education shall establish the score that qualifies for the  
17 Prairie State Achievement Award on that portion of the  
18 examination. Any student who fails to earn a qualifying score  
19 for a Prairie State Achievement Award in any one or more of the  
20 academic areas on the initial test administration or who wishes  
21 to improve his or her score on any portion of the examination  
22 shall be permitted to retake such portion or portions of the  
23 examination during grade 12. Districts shall inform their  
24 students of the timelines and procedures applicable to their  
25 participation in every yearly administration of the Prairie  
26 State Achievement Examination. Students receiving special

1 education services whose individualized educational programs  
2 identify the Prairie State Achievement Examination as  
3 inappropriate for them nevertheless shall have the option of  
4 taking the examination, which shall be administered to those  
5 students in accordance with standards adopted by the State  
6 Board of Education to accommodate the respective disabilities  
7 of those students. A student who successfully completes all  
8 other applicable high school graduation requirements but fails  
9 to receive a score on the Prairie State Achievement Examination  
10 that qualifies the student for receipt of a Prairie State  
11 Achievement Award shall nevertheless qualify for the receipt of  
12 a regular high school diploma. In no case, however, shall a  
13 student receive a regular high school diploma without taking  
14 the Prairie State Achievement Examination, unless the student  
15 is exempted from taking the Prairie State Achievement  
16 Examination under this subsection (c) because (i) the student's  
17 individualized educational program developed under Article 14  
18 of this Code identifies the Prairie State Achievement  
19 Examination as inappropriate for the student, (ii) the student  
20 is exempt due to the student's lack of English language  
21 proficiency under subsection (a) of this Section, or (iii) the  
22 student is enrolled in a program of Adult and Continuing  
23 Education as defined in the Adult Education Act.

24 (d) Beginning with the 2002-2003 school year, all schools  
25 in this State that are part of the sample drawn by the National  
26 Center for Education Statistics, in collaboration with their

1 school districts and the State Board of Education, shall  
2 administer the biennial State academic assessments of 4th and  
3 8th grade reading and mathematics under the National Assessment  
4 of Educational Progress carried out under Section m11(b) (2) of  
5 the National Education Statistics Act of 1994 (20 U.S.C. 9010)  
6 if the Secretary of Education pays the costs of administering  
7 the assessments.

8 (e) Beginning no later than the 2005-2006 school year,  
9 subject to available federal funds to this State for the  
10 purpose of student assessment, the State Board of Education  
11 shall provide additional tests and assessment resources that  
12 may be used by school districts for local diagnostic purposes.  
13 These tests and resources shall include without limitation  
14 additional high school writing, physical development and  
15 health, and fine arts assessments. The State Board of Education  
16 shall annually distribute a listing of these additional tests  
17 and resources, using funds available from appropriations made  
18 for student assessment purposes.

19 (f) For the assessment and accountability purposes of this  
20 Section, "all pupils" includes those pupils enrolled in a  
21 public or State-operated elementary school, secondary school,  
22 or cooperative or joint agreement with a governing body or  
23 board of control, a charter school operating in compliance with  
24 the Charter Schools Law, a school operated by a regional office  
25 of education under Section 13A-3 of this Code, or a public  
26 school administered by a local public agency or the Department

1 of Human Services.

2 (Source: P.A. 93-426, eff. 8-5-03; 93-838, eff. 7-30-04;  
3 93-857, eff. 8-3-04; 94-69, eff. 7-1-05; 94-642, eff. 1-1-06;  
4 94-875, eff. 7-1-06.)

5 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

6 Sec. 10-21.9. Criminal history records checks and checks of  
7 the Statewide Sex Offender Database and Statewide Child  
8 Murderer and Violent Offender Against Youth Database.

9 (a) Certified and noncertified applicants for employment  
10 with a school district, except school bus driver applicants,  
11 are required as a condition of employment to authorize a  
12 ~~fingerprint-based~~ criminal history records check to determine  
13 if such applicants have been convicted of any of the enumerated  
14 criminal or drug offenses in subsection (c) of this Section or  
15 have been convicted, within 7 years of the application for  
16 employment with the school district, of any other felony under  
17 the laws of this State or of any offense committed or attempted  
18 in any other state or against the laws of the United States  
19 that, if committed or attempted in this State, would have been  
20 punishable as a felony under the laws of this State.  
21 Authorization for the check shall be furnished by the applicant  
22 to the school district, except that if the applicant is a  
23 substitute teacher seeking employment in more than one school  
24 district, a teacher seeking concurrent part-time employment  
25 positions with more than one school district (as a reading

1 specialist, special education teacher or otherwise), or an  
2 educational support personnel employee seeking employment  
3 positions with more than one district, any such district may  
4 require the applicant to furnish authorization for the check to  
5 the regional superintendent of the educational service region  
6 in which are located the school districts in which the  
7 applicant is seeking employment as a substitute or concurrent  
8 part-time teacher or concurrent educational support personnel  
9 employee. Upon receipt of this authorization, the school  
10 district or the appropriate regional superintendent, as the  
11 case may be, shall submit the applicant's name, sex, race, date  
12 of birth, and social security number, ~~fingerprint images, and~~  
13 ~~other identifiers~~, as prescribed by the Department of State  
14 Police, to the Department. The regional superintendent  
15 submitting the requisite information to the Department of State  
16 Police shall promptly notify the school districts in which the  
17 applicant is seeking employment as a substitute or concurrent  
18 part-time teacher or concurrent educational support personnel  
19 employee that the check of the applicant has been requested.  
20 The Department of State Police and the Federal Bureau of  
21 Investigation shall furnish, pursuant to a ~~fingerprint-based~~  
22 criminal history records check, records of convictions, until  
23 expunged, to the president of the school board for the school  
24 district that requested the check, or to the regional  
25 superintendent who requested the check. The Department shall  
26 charge the school district or the appropriate regional

1 superintendent a fee for conducting such check, which fee shall  
2 be deposited in the State Police Services Fund and shall not  
3 exceed the cost of the inquiry; and the applicant shall not be  
4 charged a fee for such check by the school district or by the  
5 regional superintendent. Subject to appropriations for these  
6 purposes, the State Superintendent of Education shall  
7 reimburse school districts and regional superintendents for  
8 fees paid to obtain criminal history records checks under this  
9 Section.

10 (a-5) The school district or regional superintendent shall  
11 further perform a check of the Statewide Sex Offender Database,  
12 as authorized by the Sex Offender Community Notification Law,  
13 for each applicant.

14 (a-6) The school district or regional superintendent shall  
15 further perform a check of the Statewide Child Murderer and  
16 Violent Offender Against Youth Database, as authorized by the  
17 Child Murderer and Violent Offender Against Youth Community  
18 Notification Law, for each applicant.

19 (b) Any information concerning the record of convictions  
20 obtained by the president of the school board or the regional  
21 superintendent shall be confidential and may only be  
22 transmitted to the superintendent of the school district or his  
23 designee, the appropriate regional superintendent if the check  
24 was requested by the school district, the presidents of the  
25 appropriate school boards if the check was requested from the  
26 Department of State Police by the regional superintendent, the

1 State Superintendent of Education, the State Teacher  
2 Certification Board or any other person necessary to the  
3 decision of hiring the applicant for employment. A copy of the  
4 record of convictions obtained from the Department of State  
5 Police shall be provided to the applicant for employment. Upon  
6 the check of the Statewide Sex Offender Database, the school  
7 district or regional superintendent shall notify an applicant  
8 as to whether or not the applicant has been identified in the  
9 Database as a sex offender. If a check of an applicant for  
10 employment as a substitute or concurrent part-time teacher or  
11 concurrent educational support personnel employee in more than  
12 one school district was requested by the regional  
13 superintendent, and the Department of State Police upon a check  
14 ascertains that the applicant has not been convicted of any of  
15 the enumerated criminal or drug offenses in subsection (c) or  
16 has not been convicted, within 7 years of the application for  
17 employment with the school district, of any other felony under  
18 the laws of this State or of any offense committed or attempted  
19 in any other state or against the laws of the United States  
20 that, if committed or attempted in this State, would have been  
21 punishable as a felony under the laws of this State and so  
22 notifies the regional superintendent and if the regional  
23 superintendent upon a check ascertains that the applicant has  
24 not been identified in the Sex Offender Database as a sex  
25 offender, then the regional superintendent shall issue to the  
26 applicant a certificate evidencing that as of the date



1 specified by the Department of State Police the applicant has  
2 not been convicted of any of the enumerated criminal or drug  
3 offenses in subsection (c) or has not been convicted, within 7  
4 years of the application for employment with the school  
5 district, of any other felony under the laws of this State or  
6 of any offense committed or attempted in any other state or  
7 against the laws of the United States that, if committed or  
8 attempted in this State, would have been punishable as a felony  
9 under the laws of this State and evidencing that as of the date  
10 that the regional superintendent conducted a check of the  
11 Statewide Sex Offender Database, the applicant has not been  
12 identified in the Database as a sex offender. The school board  
13 of any school district may rely on the certificate issued by  
14 any regional superintendent to that substitute teacher,  
15 concurrent part-time teacher, or concurrent educational  
16 support personnel employee or may initiate its own criminal  
17 history records check of the applicant through the Department  
18 of State Police and its own check of the Statewide Sex Offender  
19 Database as provided in subsection (a). Any person who releases  
20 any confidential information concerning any criminal  
21 convictions of an applicant for employment shall be guilty of a  
22 Class A misdemeanor, unless the release of such information is  
23 authorized by this Section.

24 (c) No school board shall knowingly employ a person who has  
25 been convicted for committing attempted first degree murder or  
26 for committing or attempting to commit first degree murder or a

1 Class X felony or any one or more of the following offenses:  
2 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,  
3 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,  
4 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the  
5 Criminal Code of 1961; (ii) those defined in the Cannabis  
6 Control Act except those defined in Sections 4(a), 4(b) and  
7 5(a) of that Act; (iii) those defined in the Illinois  
8 Controlled Substances Act; (iv) those defined in the  
9 Methamphetamine Control and Community Protection Act; and (v)  
10 any offense committed or attempted in any other state or  
11 against the laws of the United States, which if committed or  
12 attempted in this State, would have been punishable as one or  
13 more of the foregoing offenses. Further, no school board shall  
14 knowingly employ a person who has been found to be the  
15 perpetrator of sexual or physical abuse of any minor under 18  
16 years of age pursuant to proceedings under Article II of the  
17 Juvenile Court Act of 1987.

18 (d) No school board shall knowingly employ a person for  
19 whom a criminal history records check and a Statewide Sex  
20 Offender Database check has not been initiated.

21 (e) Upon receipt of the record of a conviction of or a  
22 finding of child abuse by a holder of any certificate issued  
23 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
24 Code, the appropriate regional superintendent of schools or the  
25 State Superintendent of Education shall initiate the  
26 certificate suspension and revocation proceedings authorized

1 by law.

2 (f) After January 1, 1990 the provisions of this Section  
3 shall apply to all employees of persons or firms holding  
4 contracts with any school district including, but not limited  
5 to, food service workers, school bus drivers and other  
6 transportation employees, who have direct, daily contact with  
7 the pupils of any school in such district. For purposes of  
8 criminal history records checks and checks of the Statewide Sex  
9 Offender Database on employees of persons or firms holding  
10 contracts with more than one school district and assigned to  
11 more than one school district, the regional superintendent of  
12 the educational service region in which the contracting school  
13 districts are located may, at the request of any such school  
14 district, be responsible for receiving the authorization for a  
15 criminal history records check prepared by each such employee  
16 and submitting the same to the Department of State Police and  
17 for conducting a check of the Statewide Sex Offender Database  
18 for each employee. Any information concerning the record of  
19 conviction and identification as a sex offender of any such  
20 employee obtained by the regional superintendent shall be  
21 promptly reported to the president of the appropriate school  
22 board or school boards.

23 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;  
24 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; 94-875, eff.  
25 7-1-06; 94-945, eff. 6-27-06; revised 8-3-06.)

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

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

12 1. Any child attending a private or a parochial school  
13 where children are taught the branches of education taught  
14 to children of corresponding age and grade in the public  
15 schools, and where the instruction of the child in the  
16 branches of education is in the English language;

17 2. Any child who is physically or mentally unable to  
18 attend school, such disability being certified to the  
19 county or district truant officer by a competent physician  
20 licensed in Illinois to practice medicine and surgery in  
21 all its branches, an advanced practice nurse who has a  
22 written collaborative agreement with a collaborating  
23 physician that authorizes the advanced practice nurse to  
24 perform health examinations, a physician assistant who has  
25 been delegated the authority to perform health  
26 examinations by his or her supervising physician, or a

1 Christian Science practitioner residing in this State and  
2 listed in the Christian Science Journal; or who is excused  
3 for temporary absence for cause by the principal or teacher  
4 of the school which the child attends; the exemptions in  
5 this paragraph (2) do not apply to any female who is  
6 pregnant or the mother of one or more children, except  
7 where a female is unable to attend school due to a  
8 complication arising from her pregnancy and the existence  
9 of such complication is certified to the county or district  
10 truant officer by a competent physician;

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

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

23 5. Any child absent from a public school on a  
24 particular day or days or at a particular time of day for  
25 the reason that he is unable to attend classes or to  
26 participate in any examination, study or work requirements

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

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

26 (Source: P.A. 93-858, eff. 1-1-05; 94-350, eff. 7-28-05.)

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

2 Sec. 26-2. Enrolled pupils below 7 or over 16 ~~17~~.

3 (a) Any person having custody or control of a child who is  
4 below the age of 7 years or is 16 ~~17~~ years of age or above and  
5 who is enrolled in any of grades 1 through 12 in the public  
6 school shall cause him to attend the public school in the  
7 district wherein he resides when it is in session during the  
8 regular school term, unless he is excused under paragraph 2, 3,  
9 4, or ~~5, or 6~~ of Section 26-1.

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

1 (c) A school or school district may deny enrollment to a  
2 student 16 ~~17~~ years of age or older for one semester for  
3 failure to meet minimum academic standards if all of the  
4 following 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 16 ~~17~~ years of age or older for one semester for  
22 failure to meet minimum attendance standards if all of the  
23 following 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 16 ~~17~~  
16          years 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. 92-42, eff. 1-1-02; 93-803, eff. 7-23-04; 93-858,  
9 eff. 1-1-05; 93-1079, eff. 1-21-05.)

10 (105 ILCS 5/26-14) (from Ch. 122, par. 26-14)

11 Sec. 26-14. Truancy programs for dropouts. Any dropout, as  
12 defined in Section 26-2a, who is 16 or 17 years of age may  
13 apply to a school district for status as a truant, and the  
14 school district shall permit such person to participate in the  
15 district's various programs and resources for truants. At the  
16 time of the person's application, the district may request  
17 documentation of his dropout status for the previous 6 months.

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

19 (105 ILCS 5/26-16)

20 Sec. 26-16. Graduation incentives program.

21 (a) The General Assembly finds that it is critical to  
22 provide options for children to succeed in school. The purpose  
23 of this Section is to provide incentives for and encourage all  
24 Illinois students who have experienced or are experiencing

1 difficulty in the traditional education system to enroll in  
2 alternative programs.

3 (b) Any student who is below the age of 20 years is  
4 eligible to enroll in a graduation incentives program if he or  
5 she:

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

8 (2) has been suspended or expelled pursuant to Section  
9 10-22.6 or 34-19 of this Code;

10 (3) is pregnant or is a parent;

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

12 (5) is enrolled in a bilingual education or LEP  
13 program.

14 (c) The following programs qualify as graduation  
15 incentives programs for students meeting the criteria  
16 established in this Section:

17 (1) Any public elementary or secondary education  
18 graduation incentives program established by a school  
19 district or by a regional office of education.

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

22 (3) Vocational or job training courses approved by the  
23 State Superintendent of Education that are available  
24 through the Illinois public community college system.  
25 Students may apply for reimbursement of 50% of tuition  
26 costs for one course per semester or a maximum of 3 courses

1 per school year. Subject to available funds, students may  
2 apply for reimbursement of up to 100% of tuition costs upon  
3 a showing of employment within 6 months after completion of  
4 a vocational or job training program. The qualifications  
5 for reimbursement shall be established by the State  
6 Superintendent of Education by rule.

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

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

19 (d) Graduation incentives programs established by school  
20 districts are entitled to claim general State aid, subject to  
21 Sections 13B-50, 13B-50.5, and 13B-50.10 of this Code.  
22 Graduation incentives programs operated by regional offices of  
23 education are entitled to receive general State aid at the  
24 foundation level of support per pupil enrolled. ~~A school~~  
25 ~~district must ensure that its graduation incentives program~~  
26 ~~receives supplemental general State aid, transportation~~

1 ~~reimbursements, and special education resources, if~~  
2 ~~appropriate, for students enrolled in the program.~~

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

4 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

5 Sec. 27-8.1. Health examinations and immunizations.

6 (1) In compliance with rules and regulations which the  
7 Department of Public Health shall promulgate, and except as  
8 hereinafter provided, all children in Illinois shall have a  
9 health examination as follows: within one year prior to  
10 entering kindergarten or the first grade of any public,  
11 private, or parochial elementary school; upon entering the  
12 fifth and ninth grades of any public, private, or parochial  
13 school; prior to entrance into any public, private, or  
14 parochial nursery school; and, irrespective of grade,  
15 immediately prior to or upon entrance into any public, private,  
16 or parochial school or nursery school, each child shall present  
17 proof of having been examined in accordance with this Section  
18 and the rules and regulations promulgated hereunder.

19 A tuberculosis skin test screening shall be included as a  
20 required part of each health examination included under this  
21 Section if the child resides in an area designated by the  
22 Department of Public Health as having a high incidence of  
23 tuberculosis. Additional health examinations of pupils,  
24 including dental and vision examinations, may be required when  
25 deemed necessary by school authorities. Parents are encouraged

1 to have their children undergo dental and vision examinations  
2 at the same points in time required for health examinations.

3 (1.5) (Blank). ~~In compliance with rules adopted by the~~  
4 ~~Department of Public Health and except as otherwise provided in~~  
5 ~~this Section, all children in kindergarten and the second and~~  
6 ~~sixth grades of any public, private, or parochial school shall~~  
7 ~~have a dental examination. Each of these children shall present~~  
8 ~~proof of having been examined by a dentist in accordance with~~  
9 ~~this Section and rules adopted under this Section before May~~  
10 ~~15th of the school year. If a child in the second or sixth~~  
11 ~~grade fails to present proof by May 15th, the school may hold~~  
12 ~~the child's report card until one of the following occurs: (i)~~  
13 ~~the child presents proof of a completed dental examination or~~  
14 ~~(ii) the child presents proof that a dental examination will~~  
15 ~~take place within 60 days after May 15th. The Department of~~  
16 ~~Public Health shall establish, by rule, a waiver for children~~  
17 ~~who show an undue burden or a lack of access to a dentist. Each~~  
18 ~~public, private, and parochial school must give notice of this~~  
19 ~~dental examination requirement to the parents and guardians of~~  
20 ~~students at least 60 days before May 15th of each school year.~~

21 (2) The Department of Public Health shall promulgate rules  
22 and regulations specifying the examinations and procedures  
23 that constitute a health examination, ~~which shall include the~~  
24 ~~collection of data relating to obesity, including at a minimum,~~  
25 ~~date of birth, gender, height, weight, blood pressure, and date~~  
26 ~~of exam, and a dental examination and may recommend by rule~~

1 that certain additional examinations be performed. The rules  
2 and regulations of the Department of Public Health shall  
3 specify that a tuberculosis skin test screening shall be  
4 included as a required part of each health examination included  
5 under this Section if the child resides in an area designated  
6 by the Department of Public Health as having a high incidence  
7 of tuberculosis. The Department of Public Health shall specify  
8 that a diabetes screening as defined by rule shall be included  
9 as a required part of each health examination. Diabetes testing  
10 is not required.

11 Physicians licensed to practice medicine in all of its  
12 branches, advanced practice nurses who have a written  
13 collaborative agreement with a collaborating physician which  
14 authorizes them to perform health examinations, or physician  
15 assistants who have been delegated the performance of health  
16 examinations by their supervising physician shall be  
17 responsible for the performance of the health examinations,  
18 other than dental examinations and vision and hearing  
19 screening, and shall sign all report forms required by  
20 subsection (4) of this Section that pertain to those portions  
21 of the health examination for which the physician, advanced  
22 practice nurse, or physician assistant is responsible. If a  
23 registered nurse performs any part of a health examination,  
24 then a physician licensed to practice medicine in all of its  
25 branches must review and sign all required report forms.  
26 Licensed dentists shall perform all dental examinations and

1 shall sign all report forms required by subsection (4) of this  
2 Section that pertain to the dental examinations. Physicians  
3 licensed to practice medicine in all its branches, or licensed  
4 optometrists, shall perform all vision exams required by school  
5 authorities and shall sign all report forms required by  
6 subsection (4) of this Section that pertain to the vision exam.  
7 Vision and hearing screening tests, which shall not be  
8 considered examinations as that term is used in this Section,  
9 shall be conducted in accordance with rules and regulations of  
10 the Department of Public Health, and by individuals whom the  
11 Department of Public Health has certified. In these rules and  
12 regulations, the Department of Public Health shall require that  
13 individuals conducting vision screening tests give a child's  
14 parent or guardian written notification, before the vision  
15 screening is conducted, that states, "Vision screening is not a  
16 substitute for a complete eye and vision evaluation by an eye  
17 doctor. Your child is not required to undergo this vision  
18 screening if an optometrist or ophthalmologist has completed  
19 and signed a report form indicating that an examination has  
20 been administered within the previous 12 months."

21 (3) Every child shall, at or about the same time as he or  
22 she receives a health examination required by subsection (1) of  
23 this Section, present to the local school proof of having  
24 received such immunizations against preventable communicable  
25 diseases as the Department of Public Health shall require by  
26 rules and regulations promulgated pursuant to this Section and



1 the Communicable Disease Prevention Act.

2 (4) The individuals conducting the health examination ~~or~~  
3 ~~dental examination~~ shall record the fact of having conducted  
4 the examination, and such additional information as required,  
5 ~~including data relating to obesity, including at a minimum,~~  
6 ~~date of birth, gender, height, weight, blood pressure, and date~~  
7 ~~of exam,~~ on uniform forms which the Department of Public Health  
8 and the State Board of Education shall prescribe for statewide  
9 use. The examiner shall summarize on the report form any  
10 condition that he or she suspects indicates a need for special  
11 services, ~~including factors relating to obesity.~~ The  
12 individuals confirming the administration of required  
13 immunizations shall record as indicated on the form that the  
14 immunizations were administered.

15 (5) If a child does not submit proof of having had either  
16 the health examination or the immunization as required, then  
17 the child shall be examined or receive the immunization, as the  
18 case may be, and present proof by October 15 of the current  
19 school year, or by an earlier date of the current school year  
20 established by a school district. To establish a date before  
21 October 15 of the current school year for the health  
22 examination or immunization as required, a school district must  
23 give notice of the requirements of this Section 60 days prior  
24 to the earlier established date. If for medical reasons one or  
25 more of the required immunizations must be given after October  
26 15 of the current school year, or after an earlier established

1 date of the current school year, then the child shall present,  
2 by October 15, or by the earlier established date, a schedule  
3 for the administration of the immunizations and a statement of  
4 the medical reasons causing the delay, both the schedule and  
5 the statement being issued by the physician, advanced practice  
6 nurse, physician assistant, registered nurse, or local health  
7 department that will be responsible for administration of the  
8 remaining required immunizations. If a child does not comply by  
9 October 15, or by the earlier established date of the current  
10 school year, with the requirements of this subsection, then the  
11 local school authority shall exclude that child from school  
12 until such time as the child presents proof of having had the  
13 health examination as required and presents proof of having  
14 received those required immunizations which are medically  
15 possible to receive immediately. During a child's exclusion  
16 from school for noncompliance with this subsection, the child's  
17 parents or legal guardian shall be considered in violation of  
18 Section 26-1 and subject to any penalty imposed by Section  
19 26-10. ~~This subsection (5) does not apply to dental~~  
20 ~~examinations.~~

21 (6) Every school shall report to the State Board of  
22 Education by November 15, in the manner which that agency shall  
23 require, the number of children who have received the necessary  
24 immunizations and the health examination ~~(other than a dental~~  
25 ~~examination)~~ as required, indicating, of those who have not  
26 received the immunizations and examination as required, the

1 number of children who are exempt from health examination and  
2 immunization requirements on religious or medical grounds as  
3 provided in subsection (8). ~~Every school shall report to the~~  
4 ~~State Board of Education by June 30, in the manner that the~~  
5 ~~State Board requires, the number of children who have received~~  
6 ~~the required dental examination, indicating, of those who have~~  
7 ~~not received the required dental examination, the number of~~  
8 ~~children who are exempt from the dental examination on~~  
9 ~~religious grounds as provided in subsection (8) of this Section~~  
10 ~~and the number of children who have received a waiver under~~  
11 ~~subsection (1.5) of this Section.~~ This reported information  
12 shall be provided to the Department of Public Health by the  
13 State Board of Education.

14 (7) Upon determining that the number of pupils who are  
15 required to be in compliance with subsection (5) of this  
16 Section is below 90% of the number of pupils enrolled in the  
17 school district, 10% of each State aid payment made pursuant to  
18 Section 18-8.05 to the school district for such year shall be  
19 withheld by the regional superintendent until the number of  
20 students in compliance with subsection (5) is the applicable  
21 specified percentage or higher.

22 (8) Parents or legal guardians who object to health ~~or~~  
23 ~~dental~~ examinations or any part thereof, or to immunizations,  
24 on religious grounds shall not be required to submit their  
25 children or wards to the examinations or immunizations to which  
26 they so object if such parents or legal guardians present to

1 the appropriate local school authority a signed statement of  
2 objection, detailing the grounds for the objection. If the  
3 physical condition of the child is such that any one or more of  
4 the immunizing agents should not be administered, the examining  
5 physician, advanced practice nurse, or physician assistant  
6 responsible for the performance of the health examination shall  
7 endorse that fact upon the health examination form. Exempting a  
8 child from the health ~~or dental~~ examination does not exempt the  
9 child from participation in the program of physical education  
10 training provided in Sections 27-5 through 27-7 of this Code.

11 (9) For the purposes of this Section, "nursery schools"  
12 means those nursery schools operated by elementary school  
13 systems or secondary level school units or institutions of  
14 higher learning.

15 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;  
16 93-530, eff. 1-1-04; 93-946, eff. 7-1-05; 93-966, eff. 1-1-05;  
17 revised 12-1-05.)

18 (105 ILCS 5/27-21) (from Ch. 122, par. 27-21)

19 Sec. 27-21. History of United States. History of the United  
20 States shall be taught in all public schools and in all other  
21 educational institutions in this State supported or  
22 maintained, in whole or in part, by public funds. The teaching  
23 of history shall have as one of its objectives the imparting to  
24 pupils of a comprehensive idea of our democratic form of  
25 government and the principles for which our government stands

1 as regards other nations, including the studying of the place  
2 of our government in world-wide movements and the leaders  
3 thereof, with particular stress upon the basic principles and  
4 ideals of our representative form of government. The teaching  
5 of history shall include a study of the role and contributions  
6 of African Americans and other ethnic groups including but not  
7 restricted to Polish, Lithuanian, German, Hungarian, Irish,  
8 Bohemian, Russian, Albanian, Italian, Czech, Slovak, French,  
9 Scots, Hispanics, ~~Asian Americans~~, etc., in the history of this  
10 country and this State. The teaching of history also shall  
11 include a study of the role of labor unions and their  
12 interaction with government in achieving the goals of a mixed  
13 free enterprise system. No pupils shall be graduated from the  
14 eighth grade of any public school unless he has received such  
15 instruction in the history of the United States and gives  
16 evidence of having a comprehensive knowledge thereof.

17 (Source: P.A. 92-27, eff. 7-1-01; 93-406, eff. 1-1-04.)

18 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

19 Sec. 34-18.5. Criminal history records checks and checks of  
20 the Statewide Sex Offender Database and Statewide Child  
21 Murderer and Violent Offender Against Youth Database.

22 (a) Certified and noncertified applicants for employment  
23 with the school district are required as a condition of  
24 employment to authorize a ~~fingerprint-based~~ criminal history  
25 records check to determine if such applicants have been

1 convicted of any of the enumerated criminal or drug offenses in  
2 subsection (c) of this Section or have been convicted, within 7  
3 years of the application for employment with the school  
4 district, of any other felony under the laws of this State or  
5 of any offense committed or attempted in any other state or  
6 against the laws of the United States that, if committed or  
7 attempted in this State, would have been punishable as a felony  
8 under the laws of this State. Authorization for the check shall  
9 be furnished by the applicant to the school district, except  
10 that if the applicant is a substitute teacher seeking  
11 employment in more than one school district, or a teacher  
12 seeking concurrent part-time employment positions with more  
13 than one school district (as a reading specialist, special  
14 education teacher or otherwise), or an educational support  
15 personnel employee seeking employment positions with more than  
16 one district, any such district may require the applicant to  
17 furnish authorization for the check to the regional  
18 superintendent of the educational service region in which are  
19 located the school districts in which the applicant is seeking  
20 employment as a substitute or concurrent part-time teacher or  
21 concurrent educational support personnel employee. Upon  
22 receipt of this authorization, the school district or the  
23 appropriate regional superintendent, as the case may be, shall  
24 submit the applicant's name, sex, race, date of birth, and  
25 social security number, ~~fingerprint images, and other~~  
26 ~~identifiers~~, as prescribed by the Department of State Police,

1 to the Department. The regional superintendent submitting the  
2 requisite information to the Department of State Police shall  
3 promptly notify the school districts in which the applicant is  
4 seeking employment as a substitute or concurrent part-time  
5 teacher or concurrent educational support personnel employee  
6 that the check of the applicant has been requested. The  
7 Department of State Police and the Federal Bureau of  
8 Investigation shall furnish, pursuant to a ~~fingerprint-based~~  
9 criminal history records check, records of convictions, until  
10 expunged, to the president of the school board for the school  
11 district that requested the check, or to the regional  
12 superintendent who requested the check. The Department shall  
13 charge the school district or the appropriate regional  
14 superintendent a fee for conducting such check, which fee shall  
15 be deposited in the State Police Services Fund and shall not  
16 exceed the cost of the inquiry; and the applicant shall not be  
17 charged a fee for such check by the school district or by the  
18 regional superintendent. Subject to appropriations for these  
19 purposes, the State Superintendent of Education shall  
20 reimburse the school district and regional superintendent for  
21 fees paid to obtain criminal history records checks under this  
22 Section.

23 (a-5) The school district or regional superintendent shall  
24 further perform a check of the Statewide Sex Offender Database,  
25 as authorized by the Sex Offender Community Notification Law,  
26 for each applicant.

1           (a-6) The school district or regional superintendent shall  
2 further perform a check of the Statewide Child Murderer and  
3 Violent Offender Against Youth Database, as authorized by the  
4 Child Murderer and Violent Offender Against Youth Community  
5 Notification Law, for each applicant.

6           (b) Any information concerning the record of convictions  
7 obtained by the president of the board of education or the  
8 regional superintendent shall be confidential and may only be  
9 transmitted to the general superintendent of the school  
10 district or his designee, the appropriate regional  
11 superintendent if the check was requested by the board of  
12 education for the school district, the presidents of the  
13 appropriate board of education or school boards if the check  
14 was requested from the Department of State Police by the  
15 regional superintendent, the State Superintendent of  
16 Education, the State Teacher Certification Board or any other  
17 person necessary to the decision of hiring the applicant for  
18 employment. A copy of the record of convictions obtained from  
19 the Department of State Police shall be provided to the  
20 applicant for employment. Upon the check of the Statewide Sex  
21 Offender Database, the school district or regional  
22 superintendent shall notify an applicant as to whether or not  
23 the applicant has been identified in the Database as a sex  
24 offender. If a check of an applicant for employment as a  
25 substitute or concurrent part-time teacher or concurrent  
26 educational support personnel employee in more than one school



1 district was requested by the regional superintendent, and the  
2 Department of State Police upon a check ascertains that the  
3 applicant has not been convicted of any of the enumerated  
4 criminal or drug offenses in subsection (c) or has not been  
5 convicted, within 7 years of the application for employment  
6 with the school district, of any other felony under the laws of  
7 this State or of any offense committed or attempted in any  
8 other state or against the laws of the United States that, if  
9 committed or attempted in this State, would have been  
10 punishable as a felony under the laws of this State and so  
11 notifies the regional superintendent and if the regional  
12 superintendent upon a check ascertains that the applicant has  
13 not been identified in the Sex Offender Database as a sex  
14 offender, then the regional superintendent shall issue to the  
15 applicant a certificate evidencing that as of the date  
16 specified by the Department of State Police the applicant has  
17 not been convicted of any of the enumerated criminal or drug  
18 offenses in subsection (c) or has not been convicted, within 7  
19 years of the application for employment with the school  
20 district, of any other felony under the laws of this State or  
21 of any offense committed or attempted in any other state or  
22 against the laws of the United States that, if committed or  
23 attempted in this State, would have been punishable as a felony  
24 under the laws of this State and evidencing that as of the date  
25 that the regional superintendent conducted a check of the  
26 Statewide Sex Offender Database, the applicant has not been

1 identified in the Database as a sex offender. The school board  
2 of any school district may rely on the certificate issued by  
3 any regional superintendent to that substitute teacher,  
4 concurrent part-time teacher, or concurrent educational  
5 support personnel employee or may initiate its own criminal  
6 history records check of the applicant through the Department  
7 of State Police and its own check of the Statewide Sex Offender  
8 Database as provided in subsection (a). Any person who releases  
9 any confidential information concerning any criminal  
10 convictions of an applicant for employment shall be guilty of a  
11 Class A misdemeanor, unless the release of such information is  
12 authorized by this Section.

13 (c) The board of education shall not knowingly employ a  
14 person who has been convicted for committing attempted first  
15 degree murder or for committing or attempting to commit first  
16 degree murder or a Class X felony or any one or more of the  
17 following offenses: (i) those defined in Sections 11-6, 11-9,  
18 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,  
19 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15  
20 and 12-16 of the Criminal Code of 1961; (ii) those defined in  
21 the Cannabis Control Act, except those defined in Sections  
22 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the  
23 Illinois Controlled Substances Act; (iv) those defined in the  
24 Methamphetamine Control and Community Protection Act; and (v)  
25 any offense committed or attempted in any other state or  
26 against the laws of the United States, which if committed or

1 attempted in this State, would have been punishable as one or  
2 more of the foregoing offenses. Further, the board of education  
3 shall not knowingly employ a person who has been found to be  
4 the perpetrator of sexual or physical abuse of any minor under  
5 18 years of age pursuant to proceedings under Article II of the  
6 Juvenile Court Act of 1987.

7 (d) The board of education shall not knowingly employ a  
8 person for whom a criminal history records check and a  
9 Statewide Sex Offender Database check has not been initiated.

10 (e) Upon receipt of the record of a conviction of or a  
11 finding of child abuse by a holder of any certificate issued  
12 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School  
13 Code, the board of education or the State Superintendent of  
14 Education shall initiate the certificate suspension and  
15 revocation proceedings authorized by law.

16 (f) After March 19, 1990, the provisions of this Section  
17 shall apply to all employees of persons or firms holding  
18 contracts with any school district including, but not limited  
19 to, food service workers, school bus drivers and other  
20 transportation employees, who have direct, daily contact with  
21 the pupils of any school in such district. For purposes of  
22 criminal history records checks and checks of the Statewide Sex  
23 Offender Database on employees of persons or firms holding  
24 contracts with more than one school district and assigned to  
25 more than one school district, the regional superintendent of  
26 the educational service region in which the contracting school

1 districts are located may, at the request of any such school  
2 district, be responsible for receiving the authorization for a  
3 criminal history records check prepared by each such employee  
4 and submitting the same to the Department of State Police and  
5 for conducting a check of the Statewide Sex Offender Database  
6 for each employee. Any information concerning the record of  
7 conviction and identification as a sex offender of any such  
8 employee obtained by the regional superintendent shall be  
9 promptly reported to the president of the appropriate school  
10 board or school boards.

11 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;  
12 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; 94-875, eff.  
13 7-1-06; 94-945, eff. 6-27-06; revised 8-3-06.)

14 Section 15. The Illinois Health Statistics Act is amended  
15 by changing Section 4 as follows:

16 (410 ILCS 520/4) (from Ch. 111 1/2, par. 5604)

17 Sec. 4. (a) In carrying out the purposes of this Act, the  
18 Department may:

19 (1) Collect and maintain health data on:

20 (i) The extent, nature, and impact of illness,  
21 including factors relating to obesity and disability  
22 on the population of the State;

23 (ii) The determinants of health and health hazards  
24 including obesity;

1 (iii) Health resources, including the extent of  
2 available manpower and resources;

3 (iv) Utilization of health care;

4 (v) Health care costs and financing; and

5 (vi) Other health or health-related matters.

6 (2) Undertake and support research, demonstrations,  
7 and evaluations respecting new or improved methods for  
8 obtaining current data on the matters referred to in  
9 subparagraph (1).

10 (b) The Department may collect health data under authority  
11 granted by any unit of local government and on behalf of other  
12 governmental or not-for-profit organizations, ~~including data~~  
13 ~~collected by local schools and the State Board of Education~~  
14 ~~relating to obesity on the health examination form required~~  
15 ~~pursuant to Section 27-8.1 of the School Code.~~ The data shall  
16 be de-identified and aggregated pursuant to rules promulgated  
17 by the Department to prevent disclosure of personal identifying  
18 information.

19 (c) The Department shall collect data only on a voluntary  
20 basis from individuals and organizations, except when there is  
21 specific legal authority to compel the mandatory reporting of  
22 the health data so requested. In making any collection of  
23 health data from an individual or organization the Department  
24 must give to such individual or organization a written  
25 statement which states:

26 (1) Whether the individual or organization is required

1 to respond, and any sanctions for noncompliance;

2 (2) The purposes for which the health data are being  
3 collected; and

4 (3) In the case of any disclosure of identifiable  
5 health data for other than research and statistical  
6 purposes, the items to be disclosed, to whom the data are  
7 to be disclosed and the purposes for which the data are to  
8 be disclosed.

9 (d) Except as provided in Section 5, no health data  
10 obtained in the course of activities undertaken or supported  
11 under this Act may be used for any purpose other than the  
12 purpose for which they were supplied or for which the  
13 individual or organization described in the data has otherwise  
14 consented.

15 (e) The Department shall take such actions as may be  
16 necessary to assure that statistics developed under this Act  
17 are of high quality, timely, comprehensive, as well as  
18 specific, standardized and adequately analyzed and indexed.

19 (f) The Department shall take such action as is appropriate  
20 to effect the coordination of health data activities, ~~including~~  
21 ~~health data specifically relating to obesity collected~~  
22 ~~pursuant to Section 27-8.1 of the School Code,~~ within the State  
23 to eliminate unnecessary duplication of data collection and  
24 maximize the usefulness of data collected.

25 (g) The Department shall (1) participate with state, local  
26 and federal agencies in the design and implementation of a

1 cooperative system for producing comparable and uniform health  
2 information and statistics at the federal, state, and local  
3 levels; and (2) undertake and support research, development,  
4 demonstrations, and evaluations respecting such cooperative  
5 system.

6 (Source: P.A. 93-966, eff. 1-1-05.)

7 Section 20. The Minimum Wage Law is amended by changing  
8 Section 4 as follows:

9 (820 ILCS 105/4) (from Ch. 48, par. 1004)

10 (Text of Section before amendment by P.A. 94-1072)

11 Sec. 4. (a) Every employer shall pay to each of his  
12 employees in every occupation wages of not less than \$2.30 per  
13 hour or in the case of employees under 18 years of age wages of  
14 not less than \$1.95 per hour, except as provided in Sections 5  
15 and 6 of this Act, and on and after January 1, 1984, every  
16 employer shall pay to each of his employees in every occupation  
17 wages of not less than \$2.65 per hour or in the case of  
18 employees under 18 years of age wages of not less than \$2.25  
19 per hour, and on and after October 1, 1984 every employer shall  
20 pay to each of his employees in every occupation wages of not  
21 less than \$3.00 per hour or in the case of employees under 18  
22 years of age wages of not less than \$2.55 per hour, and on or  
23 after July 1, 1985 every employer shall pay to each of his  
24 employees in every occupation wages of not less than \$3.35 per

1 hour or in the case of employees under 18 years of age wages of  
2 not less than \$2.85 per hour, and from January 1, 2004 through  
3 December 31, 2004 every employer shall pay to each of his or  
4 her employees who is 18 years of age or older in every  
5 occupation wages of not less than \$5.50 per hour, and on and  
6 after January 1, 2005 every employer shall pay to each of his  
7 or her employees who is 18 years of age or older in every  
8 occupation wages of not less than \$6.50 per hour.

9 At no time shall the wages paid to any employee under 18  
10 years of age be more than 50¢ less than the wage required to be  
11 paid to employees who are at least 18 years of age.

12 (b) No employer shall discriminate between employees on the  
13 basis of sex or mental or physical handicap, except as  
14 otherwise provided in this Act by paying wages to employees at  
15 a rate less than the rate at which he pays wages to employees  
16 for the same or substantially similar work on jobs the  
17 performance of which requires equal skill, effort, and  
18 responsibility, and which are performed under similar working  
19 conditions, except where such payment is made pursuant to (1) a  
20 seniority system; (2) a merit system; (3) a system which  
21 measures earnings by quantity or quality of production; or (4)  
22 a differential based on any other factor other than sex or  
23 mental or physical handicap, except as otherwise provided in  
24 this Act.

25 (c) Every employer of an employee engaged in an occupation  
26 in which gratuities have customarily and usually constituted



1 and have been recognized as part of the remuneration for hire  
2 purposes is entitled to an allowance for gratuities as part of  
3 the hourly wage rate provided in Section 4, subsection (a) in  
4 an amount not to exceed 40% of the applicable minimum wage  
5 rate. The Director shall require each employer desiring an  
6 allowance for gratuities to provide substantial evidence that  
7 the amount claimed, which may not exceed 40% of the applicable  
8 minimum wage rate, was received by the employee in the period  
9 for which the claim of exemption is made, and no part thereof  
10 was returned to the employer.

11 (d) No camp counselor who resides on the premises of a  
12 seasonal camp of an organized not-for-profit corporation shall  
13 be subject to the adult minimum wage if the camp counselor (1)  
14 works 40 or more hours per week, and (2) receives a total  
15 weekly salary of not less than the adult minimum wage for a  
16 40-hour week. If the counselor works less than 40 hours per  
17 week, the counselor shall be paid the minimum hourly wage for  
18 each hour worked. Every employer of a camp counselor under this  
19 subsection is entitled to an allowance for meals and lodging as  
20 part of the hourly wage rate provided in Section 4, subsection  
21 (a), in an amount not to exceed 25% of the minimum wage rate.

22 (e) A camp counselor employed at a day camp of an organized  
23 not-for-profit corporation is not subject to the adult minimum  
24 wage if the camp counselor is paid a stipend on a onetime or  
25 periodic basis and, if the camp counselor is a minor, the  
26 minor's parent, guardian or other custodian has consented in

1 writing to the terms of payment before the commencement of such  
2 employment.

3 (Source: P.A. 93-581, eff. 1-1-04.)

4 (Text of Section after amendment by P.A. 94-1072)

5 Sec. 4. (a) (1) Every employer shall pay to each of his  
6 employees in every occupation wages of not less than \$2.30 per  
7 hour or in the case of employees under 18 years of age wages of  
8 not less than \$1.95 per hour, except as provided in Sections 5  
9 and 6 of this Act, and on and after January 1, 1984, every  
10 employer shall pay to each of his employees in every occupation  
11 wages of not less than \$2.65 per hour or in the case of  
12 employees under 18 years of age wages of not less than \$2.25  
13 per hour, and on and after October 1, 1984 every employer shall  
14 pay to each of his employees in every occupation wages of not  
15 less than \$3.00 per hour or in the case of employees under 18  
16 years of age wages of not less than \$2.55 per hour, and on or  
17 after July 1, 1985 every employer shall pay to each of his  
18 employees in every occupation wages of not less than \$3.35 per  
19 hour or in the case of employees under 18 years of age wages of  
20 not less than \$2.85 per hour, and from January 1, 2004 through  
21 December 31, 2004 every employer shall pay to each of his or  
22 her employees who is 18 years of age or older in every  
23 occupation wages of not less than \$5.50 per hour, and from  
24 January 1, 2005 through June 30, 2007 every employer (other  
25 than a school district) shall pay to each of his or her

1 employees who is 18 years of age or older in every occupation  
2 wages of not less than \$6.50 per hour, and on and after July 1,  
3 2007, a school district shall pay to each of its employees who  
4 is 18 years of age or older in every occupation wages of not  
5 less than \$6.50 per hour, and from July 1, 2007 through June  
6 30, 2008 every employer (other than a school district) shall  
7 pay to each of his or her employees who is 18 years of age or  
8 older in every occupation wages of not less than \$7.50 per  
9 hour, and from July 1, 2008 through June 30, 2009 every  
10 employer (other than a school district) shall pay to each of  
11 his or her employees who is 18 years of age or older in every  
12 occupation wages of not less than \$7.75 per hour, and from July  
13 1, 2009 through June 30, 2010 every employer (other than a  
14 school district) shall pay to each of his or her employees who  
15 is 18 years of age or older in every occupation wages of not  
16 less than \$8.00 per hour, and on and after July 1, 2010 every  
17 employer (other than a school district) shall pay to each of  
18 his or her employees who is 18 years of age or older in every  
19 occupation wages of not less than \$8.25 per hour.

20 (2) Unless an employee's wages are reduced under Section 6,  
21 then in lieu of the rate prescribed in item (1) of this  
22 subsection (a), an employer may pay an employee who is 18 years  
23 of age or older, during the first 90 consecutive calendar days  
24 after the employee is initially employed by the employer, a  
25 wage that is not more than 50¢ less than the wage prescribed in  
26 item (1) of this subsection (a).

1           (3) At no time shall the wages paid to any employee under  
2 18 years of age be more than 50¢ less than the wage required to  
3 be paid to employees who are at least 18 years of age under  
4 item (1) of this subsection (a).

5           (b) No employer shall discriminate between employees on the  
6 basis of sex or mental or physical handicap, except as  
7 otherwise provided in this Act by paying wages to employees at  
8 a rate less than the rate at which he pays wages to employees  
9 for the same or substantially similar work on jobs the  
10 performance of which requires equal skill, effort, and  
11 responsibility, and which are performed under similar working  
12 conditions, except where such payment is made pursuant to (1) a  
13 seniority system; (2) a merit system; (3) a system which  
14 measures earnings by quantity or quality of production; or (4)  
15 a differential based on any other factor other than sex or  
16 mental or physical handicap, except as otherwise provided in  
17 this Act.

18           (c) Every employer of an employee engaged in an occupation  
19 in which gratuities have customarily and usually constituted  
20 and have been recognized as part of the remuneration for hire  
21 purposes is entitled to an allowance for gratuities as part of  
22 the hourly wage rate provided in Section 4, subsection (a) in  
23 an amount not to exceed 40% of the applicable minimum wage  
24 rate. The Director shall require each employer desiring an  
25 allowance for gratuities to provide substantial evidence that  
26 the amount claimed, which may not exceed 40% of the applicable

1 minimum wage rate, was received by the employee in the period  
2 for which the claim of exemption is made, and no part thereof  
3 was returned to the employer.

4 (d) No camp counselor who resides on the premises of a  
5 seasonal camp of an organized not-for-profit corporation shall  
6 be subject to the adult minimum wage if the camp counselor (1)  
7 works 40 or more hours per week, and (2) receives a total  
8 weekly salary of not less than the adult minimum wage for a  
9 40-hour week. If the counselor works less than 40 hours per  
10 week, the counselor shall be paid the minimum hourly wage for  
11 each hour worked. Every employer of a camp counselor under this  
12 subsection is entitled to an allowance for meals and lodging as  
13 part of the hourly wage rate provided in Section 4, subsection  
14 (a), in an amount not to exceed 25% of the minimum wage rate.

15 (e) A camp counselor employed at a day camp of an organized  
16 not-for-profit corporation is not subject to the adult minimum  
17 wage if the camp counselor is paid a stipend on a onetime or  
18 periodic basis and, if the camp counselor is a minor, the  
19 minor's parent, guardian or other custodian has consented in  
20 writing to the terms of payment before the commencement of such  
21 employment.

22 (Source: P.A. 93-581, eff. 1-1-04; 94-1072, eff. 7-1-07.)

23 Section 25. The Victims' Economic Security and Safety Act  
24 is amended by changing Section 10 as follows:

1 (820 ILCS 180/10)

2 Sec. 10. Definitions. In this Act, except as otherwise  
3 expressly provided:

4 (1) "Commerce" includes trade, traffic, commerce,  
5 transportation, or communication; and "industry or  
6 activity affecting commerce" means any activity, business,  
7 or industry in commerce or in which a labor dispute would  
8 hinder or obstruct commerce or the free flow of commerce,  
9 and includes "commerce" and any "industry affecting  
10 commerce".

11 (2) "Course of conduct" means a course of repeatedly  
12 maintaining a visual or physical proximity to a person or  
13 conveying oral or written threats, including threats  
14 conveyed through electronic communications, or threats  
15 implied by conduct.

16 (3) "Department" means the Department of Labor.

17 (4) "Director" means the Director of Labor.

18 (5) "Domestic or sexual violence" means domestic  
19 violence, sexual assault, or stalking.

20 (6) "Domestic violence" includes acts or threats of  
21 violence, not including acts of self defense, as defined in  
22 subdivision (3) of Section 103 of the Illinois Domestic  
23 Violence Act of 1986, sexual assault, or death to the  
24 person, or the person's family or household member, if the  
25 conduct causes the specific person to have such distress or  
26 fear.

1           (7)       "Electronic       communications"       includes  
2       communications via telephone, mobile phone, computer,  
3       e-mail, video recorder, fax machine, telex, or pager.

4           (8) "Employ" includes to suffer or permit to work.

5           (9) Employee.

6           (A) In general. "Employee" means any person  
7       employed by an employer.

8           (B) Basis. "Employee" includes a person employed  
9       as described in subparagraph (A) on a full or part-time  
10       basis, or as a participant in a work assignment as a  
11       condition of receipt of federal or State income-based  
12       public assistance.

13          (10) "Employer" means any of the following: (A) the  
14       State or any agency of the State; (B) any unit of local  
15       government ~~or school district~~; or (C) any person that  
16       employs at least 50 employees. "Employer" does not include  
17       a school district.

18          (11) "Employment benefits" means all benefits provided  
19       or made available to employees by an employer, including  
20       group life insurance, health insurance, disability  
21       insurance, sick leave, annual leave, educational benefits,  
22       and pensions, regardless of whether such benefits are  
23       provided by a practice or written policy of an employer or  
24       through an "employee benefit plan". "Employee benefit  
25       plan" or "plan" means an employee welfare benefit plan or  
26       an employee pension benefit plan or a plan which is both an

1 employee welfare benefit plan and an employee pension  
2 benefit plan.

3 (12) "Family or household member" means a spouse,  
4 parent, son, daughter, and persons jointly residing in the  
5 same household.

6 (13) "Parent" means the biological parent of an  
7 employee or an individual who stood in loco parentis to an  
8 employee when the employee was a son or daughter. "Son or  
9 daughter" means a biological, adopted, or foster child, a  
10 stepchild, a legal ward, or a child of a person standing in  
11 loco parentis, who is under 18 years of age, or is 18 years  
12 of age or older and incapable of self-care because of a  
13 mental or physical disability.

14 (14) "Perpetrator" means an individual who commits or  
15 is alleged to have committed any act or threat of domestic  
16 or sexual violence.

17 (15) "Person" means an individual, partnership,  
18 association, corporation, business trust, legal  
19 representative, or any organized group of persons.

20 (16) "Public agency" means the Government of the State  
21 or political subdivision thereof; any agency of the State,  
22 or of a political subdivision of the State; or any  
23 governmental agency.

24 (17) "Public assistance" includes cash, food stamps,  
25 medical assistance, housing assistance, and other benefits  
26 provided on the basis of income by a public agency or



1 public employer.

2 (18) "Reduced work schedule" means a work schedule that  
3 reduces the usual number of hours per workweek, or hours  
4 per workday, of an employee.

5 (19) "Repeatedly" means on 2 or more occasions.

6 (20) "Sexual assault" means any conduct proscribed by  
7 the Criminal Code of 1961 in Sections 12-13, 12-14,  
8 12-14.1, 12-15, and 12-16.

9 (21) "Stalking" means any conduct proscribed by the  
10 Criminal Code of 1961 in Sections 12-7.3 and 12-7.4.

11 (22) "Victim" or "survivor" means an individual who has  
12 been subjected to domestic or sexual violence.

13 (23) "Victim services organization" means a nonprofit,  
14 nongovernmental organization that provides assistance to  
15 victims of domestic or sexual violence or to advocates for  
16 such victims, including a rape crisis center, an  
17 organization carrying out a domestic violence program, an  
18 organization operating a shelter or providing counseling  
19 services, or a legal services organization or other  
20 organization providing assistance through the legal  
21 process.

22 (Source: P.A. 93-591, eff. 8-25-03.)

23 Section 95. No acceleration or delay. Where this Act makes  
24 changes in a statute that is represented in this Act by text  
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does  
2 not accelerate or delay the taking effect of (i) the changes  
3 made by this Act or (ii) provisions derived from any other  
4 Public Act.

5 Section 99. Effective date. This Act takes effect June 30,  
6 2007.

1		INDEX
2		Statutes amended in order of appearance
3	20 ILCS 2605/2605-325	was 20 ILCS 2605/55a in part
4	105 ILCS 5/2-3.25b	from Ch. 122, par. 2-3.25b
5	105 ILCS 5/2-3.25d	from Ch. 122, par. 2-3.25d
6	105 ILCS 5/2-3.25f	from Ch. 122, par. 2-3.25f
7	105 ILCS 5/2-3.25g	from Ch. 122, par. 2-3.25g
8	105 ILCS 5/2-3.25h	from Ch. 122, par. 2-3.25h
9	105 ILCS 5/2-3.64	from Ch. 122, par. 2-3.64
10	105 ILCS 5/10-21.9	from Ch. 122, par. 10-21.9
11	105 ILCS 5/26-1	from Ch. 122, par. 26-1
12	105 ILCS 5/26-2	from Ch. 122, par. 26-2
13	105 ILCS 5/26-14	from Ch. 122, par. 26-14
14	105 ILCS 5/26-16	
15	105 ILCS 5/27-8.1	from Ch. 122, par. 27-8.1
16	105 ILCS 5/27-21	from Ch. 122, par. 27-21
17	105 ILCS 5/34-18.5	from Ch. 122, par. 34-18.5
18	410 ILCS 520/4	from Ch. 111 1/2, par. 5604
19	820 ILCS 105/4	from Ch. 48, par. 1004
20	820 ILCS 180/10	