



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1307

Introduced 2/5/2013, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.18	from Ch. 122, par. 10-22.18
105 ILCS 5/26-1	from Ch. 122, par. 26-1
105 ILCS 5/26-2	from Ch. 122, par. 26-2

Amends the School Code. Lowers the compulsory school age from 7 years to 5 years; makes a related change. Requires all school districts to establish kindergarten for the instruction of children who are 5 years of age or older. Effective July 1, 2013.

LRB098 07342 NHT 37405 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT regarding education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 10-22.18, 26-1, and 26-2 as follows:

6 (105 ILCS 5/10-22.18) (from Ch. 122, par. 10-22.18)

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

1 Beginning with the 2013-2014 school year, each school
2 district, including a school district organized under Article
3 34 of this Code, must establish kindergarten for the
4 instruction of children who are 5 years of age or older.

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

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

7 Sec. 26-1. Compulsory school age-Exemptions. Whoever has
8 custody or control of any child (i) between the ages of 7 and
9 17 years (unless the child has already graduated from high
10 school) for school years before the 2013-2014 school year or
11 (ii) between the ages of 5 and 17 years for school years after
12 the 2012-2013 school year shall cause such child to attend some
13 public school in the district wherein the child resides the
14 entire time it is in session during the regular school term,
15 except as provided in Section 10-19.1, and during a required
16 summer school program established under Section 10-22.33B;
17 provided, that the following children shall not be required to
18 attend the public schools:

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

24 2. Any child who is physically or mentally unable to
25 attend school, such disability being certified to the

1 county or district truant officer by a competent physician
2 licensed in Illinois to practice medicine and surgery in
3 all its branches, a chiropractic physician licensed under
4 the Medical Practice Act of 1987, an advanced practice
5 nurse who has a written collaborative agreement with a
6 collaborating physician that authorizes the advanced
7 practice nurse to perform health examinations, a physician
8 assistant who has been delegated the authority to perform
9 health examinations by his or her supervising physician, or
10 a Christian Science practitioner residing in this State and
11 listed in the Christian Science Journal; or who is excused
12 for temporary absence for cause by the principal or teacher
13 of the school which the child attends; the exemptions in
14 this paragraph (2) do not apply to any female who is
15 pregnant or the mother of one or more children, except
16 where a female is unable to attend school due to a
17 complication arising from her pregnancy and the existence
18 of such complication is certified to the county or district
19 truant officer by a competent physician;

20 3. Any child necessarily and lawfully employed
21 according to the provisions of the law regulating child
22 labor may be excused from attendance at school by the
23 county superintendent of schools or the superintendent of
24 the public school which the child should be attending, on
25 certification of the facts by and the recommendation of the
26 school board of the public school district in which the

1 child resides. In districts having part time continuation
2 schools, children so excused shall attend such schools at
3 least 8 hours each week;

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

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

1 returning to school; and

2 6. Any child 16 years of age or older who (i) submits
3 to a school district evidence of necessary and lawful
4 employment pursuant to paragraph 3 of this Section and (ii)
5 is enrolled in a graduation incentives program pursuant to
6 Section 26-16 of this Code or an alternative learning
7 opportunities program established pursuant to Article 13B
8 of this Code.

9 (Source: P.A. 96-367, eff. 8-13-09.)

10 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

11 Sec. 26-2. Enrolled pupils not of compulsory school age
12 ~~below 7 or over 17.~~

13 (a) For school years before the 2013-2014 school year, any
14 ~~Any~~ person having custody or control of a child who is below
15 the age of 7 years or is 17 years of age or above and who is
16 enrolled in any of grades kindergarten through 12 in the public
17 school shall cause him to attend the public school in the
18 district wherein he resides when it is in session during the
19 regular school term, unless he is excused under paragraph 2, 3,
20 4, 5, or 6 of Section 26-1. For school years after the
21 2012-2013 school year, any person having custody or control of
22 a child who is below the age of 5 years or above the age of 17
23 years and who is enrolled in any of grades kindergarten through
24 12 in the public school shall cause the child to attend the
25 public school in the district wherein he or she resides when it

1 is in session during the regular school term unless the child
2 is excused under paragraphs 2, 3, 4, or 5 of Section 26-1 of
3 this Code.

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

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

24 (1) The student achieved a grade point average of less
25 than "D" (or its equivalent) 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 failing academically and is subject to denial from
4 enrollment for one semester unless a "D" average (or its
5 equivalent) or better is attained in the current semester.

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

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

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

13 A school or school district may deny enrollment to a
14 student 17 years of age or older for one semester for failure
15 to meet minimum attendance standards if all of the following
16 conditions are met:

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

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

25 (3) The student's parent or guardian is provided with
26 the right to appeal the notice, as determined by the State

1 Board of Education in accordance with due process.

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

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

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

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

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

24 (f) The State Board of Education shall adopt any rules
25 necessary to implement the changes to this Section made by
26 Public Act 93-803.

1 (Source: P.A. 95-417, eff. 8-24-07.)

2 Section 99. Effective date. This Act takes effect July 1,
3 2013.