



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4441

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.12
105 ILCS 5/34-19

from Ch. 122, par. 10-20.12
from Ch. 122, par. 34-19

Amends the School Code. Allows children who have attended preschool and will attain the age of 5 years on or before December 31 of the year of the 2008-2009 school term and each school term thereafter to attend school upon commencement of such term (now, a child must attain age 5 on or before September 1 or, in the case of Chicago, the school age for kindergarten pupils may not be fixed at under 4 years). Makes related changes. Effective July 1, 2008.

LRB095 14360 RAS 40261 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 School Code is amended by changing Sections
5 10-20.12 and 34-19 as follows:

6 (105 ILCS 5/10-20.12) (from Ch. 122, par. 10-20.12)

7 Sec. 10-20.12. School year - School age. To establish and
8 keep in operation in each year during a school term of at least
9 the minimum length required by Section 10-19, a sufficient
10 number of free schools for the accommodation of all persons in
11 the district who are 5 years of age or older but under 21 years
12 of age, and to secure for all such persons the right and
13 opportunity to an equal education in such schools; provided
14 that (i) children who will attain the age of 5 years on or
15 before September 1 of the year of the 1990-1991 school term and
16 each school term thereafter may attend school upon the
17 commencement of such term and (ii) children who have attended
18 preschool and will attain the age of 5 years on or before
19 December 31 of the year of the 2008-2009 school term and each
20 school term thereafter may attend school upon commencement of
21 such term. Based upon an assessment of a child's readiness to
22 attend school, a school district may permit a child to attend
23 school prior to the dates contained in this Section. In any

1 school district operating on a full year school basis children
2 who will attain age 5 within 30 days after the commencement of
3 a term may attend school upon the commencement of such term and
4 children who have attended preschool and will attain age 5
5 within 3 months after the commencement of a term may attend
6 school upon the commencement of such term. The school district
7 may, by resolution of its board, allow for a full year school
8 plan.

9 (Source: P.A. 87-359.)

10 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

11 Sec. 34-19. By-laws, rules and regulations; business
12 transacted at regular meetings; voting; records. The board
13 shall, subject to the limitations in this Article, establish
14 by-laws, rules and regulations, which shall have the force of
15 ordinances, for the proper maintenance of a uniform system of
16 discipline for both employees and pupils, and for the entire
17 management of the schools, and may fix the school age of
18 pupils, the minimum of which in kindergartens shall not be
19 under 5 4 years, except that those pupils who have attended
20 preschool and will attain the age of 5 years on or before
21 December 31 of the year of the 2008-2009 school term and each
22 school term thereafter may attend school upon commencement of
23 such term, and in grade schools shall not be under 6 years. It
24 may expel, suspend or, subject to the limitations of all
25 policies established or adopted under Section 14-8.05,

1 otherwise discipline any pupil found guilty of gross
2 disobedience, misconduct or other violation of the by-laws,
3 rules and regulations. The bylaws, rules and regulations of the
4 board shall be enacted, money shall be appropriated or
5 expended, salaries shall be fixed or changed, and textbooks and
6 courses of instruction shall be adopted or changed only at the
7 regular meetings of the board and by a vote of a majority of
8 the full membership of the board; provided that notwithstanding
9 any other provision of this Article or the School Code, neither
10 the board or any local school council may purchase any textbook
11 for use in any public school of the district from any textbook
12 publisher that fails to furnish any computer diskettes as
13 required under Section 28-21. The board shall be further
14 encouraged to provide opportunities for public hearing and
15 testimony before the adoption of bylaws, rules and regulations.
16 Upon all propositions requiring for their adoption at least a
17 majority of all the members of the board the yeas and nays
18 shall be taken and reported. The by-laws, rules and regulations
19 of the board shall not be repealed, amended or added to, except
20 by a vote of 2/3 of the full membership of the board. The board
21 shall keep a record of all its proceedings. Such records and
22 all by-laws, rules and regulations, or parts thereof, may be
23 proved by a copy thereof certified to be such by the secretary
24 of the board, but if they are printed in book or pamphlet form
25 which are purported to be published by authority of the board
26 they need not be otherwise published and the book or pamphlet

1 shall be received as evidence, without further proof, of the
2 records, by-laws, rules and regulations, or any part thereof,
3 as of the dates thereof as shown in such book or pamphlet, in
4 all courts and places where judicial proceedings are had.

5 Notwithstanding any other provision in this Article or in
6 the School Code, the board may delegate to the general
7 superintendent or to the attorney the authorities granted to
8 the board in the School Code, provided such delegation and
9 appropriate oversight procedures are made pursuant to board
10 by-laws, rules and regulations, adopted as herein provided,
11 except that the board may not delegate its authorities and
12 responsibilities regarding (1) budget approval obligations;
13 (2) rule-making functions; (3) desegregation obligations; (4)
14 real estate acquisition, sale or lease in excess of 10 years as
15 provided in Section 34-21; (5) the levy of taxes; or (6) any
16 mandates imposed upon the board by "An Act in relation to
17 school reform in cities over 500,000, amending Acts herein
18 named", approved December 12, 1988 (P.A. 85-1418).
19 (Source: P.A. 88-45; 89-15, eff. 5-30-95.)

20 Section 99. Effective date. This Act takes effect July 1,
21 2008.