



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0543

Introduced 2/8/2007, by Sen. Kwame Raoul

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/26-2  
105 ILCS 5/26-2a

from Ch. 122, par. 26-2  
from Ch. 122, par. 26-2a

Amends the School Code. Requires a person having custody or control of a child who is below the compulsory school age and who is enrolled in kindergarten in a public school to cause the child to attend the public school. Includes in the definition of "dropout" a child enrolled in kindergarten. Effective June 30, 2007.

LRB095 09679 NHT 29881 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT regarding schools.

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 26-2 and 26-2a as follows:

6 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)  
7 Sec. 26-2. Enrolled pupils below 7 or over 17.

8 (a) Any person having custody or control of a child who is  
9 below the age of 7 years or is 17 years of age or above and who  
10 is enrolled in any of grades kindergarten ± through 12 in the  
11 public school shall cause him to attend the public school in  
12 the district wherein he resides when it is in session during  
13 the regular school term, unless he is excused under paragraph  
14 2, 3, 4, 5, or 6 of Section 26-1.

15 (b) A school district shall deny reenrollment in its  
16 secondary schools to any child 19 years of age or above who has  
17 dropped out of school and who could not, because of age and  
18 lack of credits, attend classes during the normal school year  
19 and graduate before his or her twenty-first birthday. A  
20 district may, however, enroll the child in a graduation  
21 incentives program under Section 26-16 of this Code or an  
22 alternative learning opportunities program established under  
23 Article 13B. No child shall be denied reenrollment for the

1 above reasons unless the school district first offers the child  
2 due process as required in cases of expulsion under Section  
3 10-22.6. If a child is denied reenrollment after being provided  
4 with due process, the school district must provide counseling  
5 to that child and must direct that child to alternative  
6 educational programs, including adult education programs, that  
7 lead to graduation or receipt of a GED diploma.

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

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

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

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

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

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

1 A school or school district may deny enrollment to a  
2 student 17 years of age or older for one semester for failure  
3 to meet minimum attendance standards if all of the following  
4 conditions are met:

5 (1) The student was absent without valid cause for 20%  
6 or more of the attendance days 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 subject to denial from enrollment for one semester unless  
11 the student is absent without valid cause less than 20% of  
12 the attendance days in the current semester.

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

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

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

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

26 (d) No child may be denied enrollment or reenrollment under

1 this Section in violation of the Individuals with Disabilities  
2 Education Act or the Americans with Disabilities Act.

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

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

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

17 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

18 Sec. 26-2a. A "truant" is defined as a child subject to  
19 compulsory school attendance and who is absent without valid  
20 cause from such attendance for a school day or portion thereof.

21 "Valid cause" for absence shall be illness, observance of a  
22 religious holiday, death in the immediate family, family  
23 emergency, and shall include such other situations beyond the  
24 control of the student as determined by the board of education  
25 in each district, or such other circumstances which cause

1 reasonable concern to the parent for the safety or health of  
2 the student.

3 "Chronic or habitual truant" shall be defined as a child  
4 subject to compulsory school attendance and who is absent  
5 without valid cause from such attendance for 10% or more of the  
6 previous 180 regular attendance days.

7 "Truant minor" is defined as a chronic truant to whom  
8 supportive services, including prevention, diagnostic,  
9 intervention and remedial services, alternative programs and  
10 other school and community resources have been provided and  
11 have failed to result in the cessation of chronic truancy, or  
12 have been offered and refused.

13 A "dropout" is defined as any child enrolled in grades  
14 kindergarten ± through 12 whose name has been removed from the  
15 district enrollment roster for any reason other than his death,  
16 extended illness, graduation or completion of a program of  
17 studies and who has not transferred to another public or  
18 private school.

19 "Religion" for the purposes of this Article, includes all  
20 aspects of religious observance and practice, as well as  
21 belief.

22 (Source: P.A. 84-1308; 84-1420; 84-1424; 84-1438.)

23 Section 99. Effective date. This Act takes effect June 30,  
24 2007.