

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, 10-20.19a, 10-22.18, 26-1, 26-2, and 34-19 as  
6 follows:

7 (105 ILCS 5/10-20.12) (from Ch. 122, par. 10-20.12)

8 Sec. 10-20.12. School year - School age. To establish and  
9 keep in operation in each year during a school term of at least  
10 the minimum length required by Section 10-19, a sufficient  
11 number of free schools for the accommodation of all persons in  
12 the district who are 5 years of age or older but under 21 years  
13 of age, and to secure for all such persons the right and  
14 opportunity to an equal education in such schools; provided  
15 that (i) children who will attain the age of 5 years on or  
16 before September 1 of the year of the 1990-1991 school term  
17 through the 2019-2020 and each school term or on or before May  
18 31 of the year of the 2020-2021 school term and each school  
19 term thereafter may attend school upon the commencement of such  
20 term and (ii) based upon an assessment of the child's  
21 readiness, children who have attended a non-public preschool  
22 and continued their education at that school through  
23 kindergarten, were taught in kindergarten by an appropriately

1 certified teacher, and will attain the age of 6 years on or  
2 before December 31 of the year of the 2009-2010 school term and  
3 each school term thereafter may attend first grade upon  
4 commencement of such term. However, Section 33 of the  
5 Educational Opportunity for Military Children Act shall apply  
6 to children of active duty military personnel. Based upon an  
7 assessment of a child's readiness to attend school, a school  
8 district may permit a child to attend school prior to the dates  
9 contained in this Section. In any school district operating on  
10 a full year school basis ~~children who will attain age 5 within~~  
11 ~~30 days after the commencement of a term may attend school upon~~  
12 ~~the commencement of such term and~~, based upon an assessment of  
13 the child's readiness, children who have attended a non-public  
14 preschool and continued their education at that school through  
15 kindergarten, were taught in kindergarten by an appropriately  
16 certified teacher, and will attain age 6 within 4 months after  
17 the commencement of a term may attend first grade upon the  
18 commencement of such term. The school district may, by  
19 resolution of its board, allow for a full year school plan.  
20 (Source: P.A. 98-673, eff. 6-30-14.)

21 (105 ILCS 5/10-20.19a) (from Ch. 122, par. 10-20.19a)

22 Sec. 10-20.19a. Kindergartens. After July 1, 1970, to  
23 establish and maintain kindergartens for the instruction of  
24 children in accordance with rules and regulations prescribed by  
25 the State Board of Education. Such kindergartens may provide

1 for either a 1/2 day or a full day of attendance for pupils  
2 enrolled therein. This Section is subject to Section 10-22.18.

3 (Source: P.A. 84-18.)

4 (105 ILCS 5/10-22.18) (from Ch. 122, par. 10-22.18)

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

22 Beginning with the 2020-2021 school year, each school  
23 district, including a school district organized under Article  
24 34, must establish kindergarten for the instruction of children  
25 who are 5 years of age or older.

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

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

3 Sec. 26-1. Compulsory school age; exemptions. Whoever has  
4 custody or control of any child (i) ~~between the ages of 7 and~~  
5 ~~17 years (unless the child has already graduated from high~~  
6 ~~school) for school years before the 2014-2015 school year or~~  
7 ~~(ii)~~ between the ages of 6 (on or before September 1) and 17  
8 years (unless the child has already graduated from high school)  
9 for school years before the 2020-2021 beginning with the  
10 2014-2015 school year or (ii) between the ages of 5 (on or  
11 before May 31) and 17 (unless the child has already graduated  
12 from high school) beginning with the 2020-2021 school year  
13 shall cause such child to attend some public school in the  
14 district wherein the child resides the entire time it is in  
15 session during the regular school term, except as provided in  
16 Section 10-19.1, and during a required summer school program  
17 established under Section 10-22.33B; provided, that the  
18 following children shall not be required to attend the public  
19 schools:

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

25 2. Any child who is physically or mentally unable to

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

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

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

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

25           6. Any child 16 years of age or older who (i) submits  
26 to a school district evidence of necessary and lawful

1 employment pursuant to paragraph 3 of this Section and (ii)  
2 is enrolled in a graduation incentives program pursuant to  
3 Section 26-16 of this Code or an alternative learning  
4 opportunities program established pursuant to Article 13B  
5 of this Code;

6 7. A child in any of grades 6 through 12 absent from a  
7 public school on a particular day or days or at a  
8 particular time of day for the purpose of sounding "Taps"  
9 at a military honors funeral held in this State for a  
10 deceased veteran. In order to be excused under this  
11 paragraph 7, the student shall notify the school's  
12 administration at least 2 days prior to the date of the  
13 absence and shall provide the school's administration with  
14 the date, time, and location of the military honors  
15 funeral. The school's administration may waive this 2-day  
16 notification requirement if the student did not receive at  
17 least 2 days advance notice, but the student shall notify  
18 the school's administration as soon as possible of the  
19 absence. A student whose absence is excused under this  
20 paragraph 7 shall be counted as if the student attended  
21 school for purposes of calculating the average daily  
22 attendance of students in the school district. A student  
23 whose absence is excused under this paragraph 7 must be  
24 allowed a reasonable time to make up school work missed  
25 during the absence. If the student satisfactorily  
26 completes the school work, the day of absence shall be

1 counted as a day of compulsory attendance and he or she may  
2 not be penalized for that absence; and

3 8. Any child absent from a public school on a  
4 particular day or days or at a particular time of day for  
5 the reason that his or her parent or legal guardian is an  
6 active duty member of the uniformed services and has been  
7 called to duty for, is on leave from, or has immediately  
8 returned from deployment to a combat zone or combat-support  
9 postings. Such a student shall be granted 5 days of excused  
10 absences in any school year and, at the discretion of the  
11 school board, additional excused absences to visit the  
12 student's parent or legal guardian relative to such leave  
13 or deployment of the parent or legal guardian. In the case  
14 of excused absences pursuant to this paragraph 8, the  
15 student and parent or legal guardian shall be responsible  
16 for obtaining assignments from the student's teacher prior  
17 to any period of excused absence and for ensuring that such  
18 assignments are completed by the student prior to his or  
19 her return to school from such period of excused absence.

20 (Source: P.A. 99-173, eff. 7-29-15; 99-804, eff. 1-1-17;  
21 100-185, eff. 8-18-17; 100-513, eff. 1-1-18; 100-863, eff.  
22 8-14-18.)

23 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

24 Sec. 26-2. Enrolled pupils not of compulsory school age.

25 (a) For school years before the 2020-2021 ~~2014-2015 school~~



1 ~~year, any person having custody or control of a child who is~~  
2 ~~below the age of 7 years or is 17 years of age or above and who~~  
3 ~~is enrolled in any of grades kindergarten through 12 in the~~  
4 ~~public school shall cause him to attend the public school in~~  
5 ~~the district wherein he resides when it is in session during~~  
6 ~~the regular school term, unless he is excused under paragraph~~  
7 ~~2, 3, 4, 5, or 6 of Section 26-1. Beginning with the 2014-2015~~  
8 school year, any person having custody or control of a child  
9 who is below the age of 6 years or is 17 years of age or above  
10 and who is enrolled in any of grades kindergarten through 12 in  
11 the public school shall cause the child to attend the public  
12 school in the district wherein he or she resides when it is in  
13 session during the regular school term, unless the child is  
14 excused under paragraph 2, 3, 4, 5, or 6 of Section 26-1 of  
15 this Code. Beginning with the 2020-2021 school year, any person  
16 having custody or control of a child who is below the age of 5  
17 years or is 17 years of age or above and who is enrolled in any  
18 of grades kindergarten through 12 in the public school shall  
19 cause the child to attend the public school in the district  
20 wherein he or she resides when it is in session during the  
21 regular school term, unless the child is excused under  
22 paragraph 2, 3, 4, 5, or 6 of Section 26-1 of this Code.

23 (b) A school district shall deny reenrollment in its  
24 secondary schools to any child 19 years of age or above who has  
25 dropped out of school and who could not, because of age and  
26 lack of credits, attend classes during the normal school year

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

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

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

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

26 (3) The student's parent or guardian is provided with

1 the right to appeal the notice, as determined by the State  
2 Board of Education in accordance with due process.

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

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

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

12 (d) No child may be denied reenrollment under this Section  
13 in violation of the federal 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. 100-825, eff. 8-13-18.)

2 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

3 Sec. 34-19. By-laws, rules and regulations; business  
4 transacted at regular meetings; voting; records. The board  
5 shall, subject to the limitations in this Article, establish  
6 by-laws, rules and regulations, which shall have the force of  
7 ordinances, for the proper maintenance of a uniform system of  
8 discipline for both employees and pupils, and for the entire  
9 management of the schools, and may fix the school age of  
10 pupils, the minimum of which in kindergartens (which, beginning  
11 with the 2020-2021 school year, must be established under  
12 Section 10-22.18 for children 5 years of age or older) shall  
13 not be under 4 years, except that, based upon an assessment of  
14 the child's readiness, children who have attended a non-public  
15 preschool and continued their education at that school through  
16 kindergarten, were taught in kindergarten by an appropriately  
17 certified teacher, and will attain the age of 6 years on or  
18 before December 31 of the year of the 2009-2010 school term and  
19 each school term thereafter may attend first grade upon  
20 commencement of such term, and in grade schools shall not be  
21 under 6 years. It may expel, suspend or, subject to the  
22 limitations of all policies established or adopted under  
23 Section 10-22.6 or 14-8.05, otherwise discipline any pupil  
24 found guilty of gross disobedience, misconduct, or other  
25 violation of the by-laws, rules, and regulations, including

1 gross disobedience or misconduct perpetuated by electronic  
2 means. An expelled pupil may be immediately transferred to an  
3 alternative program in the manner provided in Article 13A or  
4 13B of this Code. A pupil must not be denied transfer because  
5 of the expulsion, except in cases in which such transfer is  
6 deemed to cause a threat to the safety of students or staff in  
7 the alternative program. A pupil who is suspended in excess of  
8 20 school days may be immediately transferred to an alternative  
9 program in the manner provided in Article 13A or 13B of this  
10 Code. A pupil must not be denied transfer because of the  
11 suspension, except in cases in which such transfer is deemed to  
12 cause a threat to the safety of students or staff in the  
13 alternative program. The bylaws, rules and regulations of the  
14 board shall be enacted, money shall be appropriated or  
15 expended, salaries shall be fixed or changed, and textbooks,  
16 electronic textbooks, and courses of instruction shall be  
17 adopted or changed only at the regular meetings of the board  
18 and by a vote of a majority of the full membership of the  
19 board; provided that notwithstanding any other provision of  
20 this Article or the School Code, neither the board or any local  
21 school council may purchase any textbook for use in any public  
22 school of the district from any textbook publisher that fails  
23 to furnish any computer diskettes as required under Section  
24 28-21. Funds appropriated for textbook purchases must be  
25 available for electronic textbook purchases and the  
26 technological equipment necessary to gain access to and use

1 electronic textbooks at the local school council's discretion.  
2 The board shall be further encouraged to provide opportunities  
3 for public hearing and testimony before the adoption of bylaws,  
4 rules and regulations. Upon all propositions requiring for  
5 their adoption at least a majority of all the members of the  
6 board the yeas and nays shall be taken and reported. The  
7 by-laws, rules and regulations of the board shall not be  
8 repealed, amended or added to, except by a vote of 2/3 of the  
9 full membership of the board. The board shall keep a record of  
10 all its proceedings. Such records and all by-laws, rules and  
11 regulations, or parts thereof, may be proved by a copy thereof  
12 certified to be such by the secretary of the board, but if they  
13 are printed in book or pamphlet form which are purported to be  
14 published by authority of the board they need not be otherwise  
15 published and the book or pamphlet shall be received as  
16 evidence, without further proof, of the records, by-laws, rules  
17 and regulations, or any part thereof, as of the dates thereof  
18 as shown in such book or pamphlet, in all courts and places  
19 where judicial proceedings are had.

20 Notwithstanding any other provision in this Article or in  
21 the School Code, the board may delegate to the general  
22 superintendent or to the attorney the authorities granted to  
23 the board in the School Code, provided such delegation and  
24 appropriate oversight procedures are made pursuant to board  
25 by-laws, rules and regulations, adopted as herein provided,  
26 except that the board may not delegate its authorities and

1 responsibilities regarding (1) budget approval obligations;  
2 (2) rule-making functions; (3) desegregation obligations; (4)  
3 real estate acquisition, sale or lease in excess of 10 years as  
4 provided in Section 34-21; (5) the levy of taxes; or (6) any  
5 mandates imposed upon the board by "An Act in relation to  
6 school reform in cities over 500,000, amending Acts herein  
7 named", approved December 12, 1988 (P.A. 85-1418).  
8 (Source: P.A. 99-456, eff. 9-15-16.)