



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/6/2004, by Miguel del Valle

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/26-1	from Ch. 122, par. 26-1
105 ILCS 5/26-2	from Ch. 122, par. 26-2
105 ILCS 5/26-7	from Ch. 122, par. 26-7
105 ILCS 5/26-8	from Ch. 122, par. 26-8
105 ILCS 5/26-14	from Ch. 122, par. 26-14
105 ILCS 5/26-16 new	

Amends the School Code. Increases the compulsory school age from 16 to 17 years of age, with exceptions. Provides that certain provisions that apply to truant officers apply to the regional superintendent of schools or his or her designee in a school district that does not have a truant officer. Makes changes concerning the compliance procedure for persons who fail to send a child to school. Allows certain students to enroll in graduation incentives programs. Lists programs that qualify as graduation incentives programs. Provides for reimbursement and funding for programs.

LRB093 20961 NHT 46945 b

FISCAL NOTE ACT  
MAY APPLY

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 26-1, 26-2, 26-7, 26-8, and 26-14 and by adding Section 26-16  
6 as follows:

7 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

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

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

23 2. Any child who is physically or mentally unable to attend  
24 school, such disability being certified to the county or  
25 district truant officer by a competent physician or a Christian  
26 Science practitioner residing in this State and listed in the  
27 Christian Science Journal; or who is excused for temporary  
28 absence for cause by the principal or teacher of the school  
29 which the child attends; the exemptions in this paragraph (2)  
30 do not apply to any female who is pregnant or the mother of one  
31 or more children, except where a female is unable to attend  
32 school due to a complication arising from her pregnancy and the

1 existence of such complication is certified to the county or  
2 district truant officer by a competent physician;

3 3. Any child necessarily and lawfully employed according to  
4 the provisions of the law regulating child labor may be excused  
5 from attendance at school by the county superintendent of  
6 schools or the superintendent of the public school which the  
7 child should be attending, on certification of the facts by and  
8 the recommendation of the school board of the public school  
9 district in which the child resides. In districts having part  
10 time continuation schools, children so excused shall attend  
11 such schools at least 8 hours each week;

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

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

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

1 pursuant to paragraph 3 of this Section, (ii) has already met  
2 graduation requirements in accordance with State Board of  
3 Education rules, and (iii) is enrolled in a graduation  
4 incentives program pursuant to Section 26-16 of this Code or an  
5 alternative learning opportunities program established  
6 pursuant to Article 13B of this Code.

7 (Source: P.A. 89-610, eff. 8-6-96.)

8 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

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

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

1 (Source: P.A. 92-42, eff. 1-1-02.)

2 (105 ILCS 5/26-7) (from Ch. 122, par. 26-7)

3 Sec. 26-7. Notice to custodian-Notice of non-compliance.

4 If any person fails to send any child under his custody or  
5 control to some lawful school, the truant officer or, in a  
6 school district that does not have a truant officer, the  
7 regional superintendent of schools or his or her designee  
8 shall, as soon as practicable after he is notified thereof,  
9 give notice in person or by mail to such person that such child  
10 shall be present at the proper public school on the day  
11 following the receipt of such notice. The notice shall state  
12 the date that attendance at school must begin and that such  
13 attendance must be continuous and consecutive in the district  
14 during the remainder of the school year. The truant officer or,  
15 in a school district that does not have a truant officer, the  
16 regional superintendent of schools or his or her designee shall  
17 at the same time that such notice is given notify the teacher  
18 or superintendent of the proper public school thereof and the  
19 teacher or superintendent shall notify the truant officer or  
20 regional superintendent of schools of any non-compliance  
21 therewith.

22 (Source: Laws 1961, p. 31.)

23 (105 ILCS 5/26-8) (from Ch. 122, par. 26-8)

24 Sec. 26-8. Determination as to compliance - Complaint in  
25 circuit court. A truant officer or, in a school district that  
26 does not have a truant officer, the regional superintendent of  
27 schools or his or her designee, ~~All Truant officers~~ after  
28 giving the notice provided in Section 26-7, shall determine  
29 whether the notice has been complied with. If 3 notices have  
30 been given and the notices have ~~the notice has~~ not been  
31 complied with, and if the persons having custody or control  
32 have knowingly and wilfully permitted the truant behavior to  
33 continue, the regional superintendent of schools, or his or her  
34 designee, of the school district where the child resides shall

1 conduct a truancy hearing. If the regional superintendent  
2 determines as a result of the hearing that the child is truant,  
3 the regional superintendent shall require the student to  
4 complete 20 to 40 hours of community service over a period of  
5 90 days. If the truancy persists, the regional superintendent  
6 shall (i) make complaint against the persons having custody or  
7 control ~~truancy officer shall thereupon make complaint against~~  
8 ~~such person~~ to the state's attorney or in the circuit court in  
9 the county where such person resides for failure to comply with  
10 the provisions of this Article or (ii) conduct truancy  
11 mediation and encourage the student to enroll in a graduation  
12 incentives program under Section 26-16 of this Code. If,  
13 however, after giving the notice provided in Section 26-7 the  
14 truant behavior has continued, and the child is beyond the  
15 control of the parents, guardians or custodians, a truancy  
16 petition shall be filed under the provisions of Article III of  
17 the Juvenile Court Act of 1987.

18 (Source: P.A. 85-1209.)

19 (105 ILCS 5/26-14) (from Ch. 122, par. 26-14)

20 Sec. 26-14. Truancy programs for dropouts. Any dropout, as  
21 defined in Section 26-2a, who is 17 ~~whose age is 16 or greater,~~  
22 ~~but less than 18~~ years of age, may apply to a school district  
23 for status as a truant, and the school district shall permit  
24 such person to participate in the district's various programs  
25 and resources for truants. At the time of the person's  
26 application, the district may request documentation of his  
27 dropout status for the previous 6 months.

28 (Source: P.A. 85-629.)

29 (105 ILCS 5/26-16 new)

30 Sec. 26-16. Graduation incentives program.

31 (a) The General Assembly finds that it is critical to  
32 provide options for children to succeed in school. The purpose  
33 of this Section is to provide incentives for and encourage all  
34 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 no more than 18 years of age 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) is considered a truant or habitual truant pursuant  
9 to Section 26-2a of this Code;

10 (3) has been suspended or expelled pursuant to Section  
11 10-22.6 or 34-19 of this Code;

12 (4) performs substantially below the performance level  
13 for students of the same age on State achievement tests;

14 (5) is pregnant or is a parent;

15 (6) has been assessed as chemically dependent; or

16 (7) is enrolled in a bilingual education or LEP  
17 program.

18 (c) The following programs qualify as graduation  
19 incentives programs for students meeting the criteria  
20 established in this Section:

21 (1) Any public elementary or secondary education  
22 graduation incentives program established by a school  
23 district or by a regional office of education.

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

26 (3) Vocational or job training courses approved by the  
27 State Superintendent of Education that are available  
28 through the Illinois public community college system.  
29 Students may apply for reimbursement of 50% of tuition  
30 costs for one course per semester or a maximum of 3 courses  
31 per school year. Subject to available funds, students may  
32 apply for reimbursement of up to 100% of tuition costs upon  
33 a showing of employment within 6 months after completion of  
34 a vocational or job training program. The qualifications  
35 for reimbursement shall be established by the State  
36 Superintendent of Education by rule.

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

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

13           (d) Graduation incentives programs established by school  
14           districts are entitled to claim general State aid, subject to  
15           Sections 13B-50, 13B-50.5, and 13B-50.10 of this Code.  
16           Graduation incentives programs operated by regional offices of  
17           education are entitled to receive general State aid at the  
18           foundation level of support per pupil enrolled. A school  
19           district must ensure that its graduation incentives program  
20           receives supplemental general State aid, transportation  
21           reimbursements, and special education resources, if  
22           appropriate, for students enrolled in the program.