

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

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

6 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

7 Sec. 26-2. Enrolled pupils below 7 or over 17 ~~16~~. Any  
8 person having custody or control of a child who is below the  
9 age of 7 years or is 17 years of age or above ~~the age of 16~~  
10 ~~years~~ and who is enrolled in any of grades 1 through 12~~7~~ 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~~l~~, unless he is excused under paragraph  
14 ~~paragraphs~~ 2, 3, 4, or 5, or 6 of Section 26-1.

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

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

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

2 Sec. 26-7. Notice to custodian-Notice of non-compliance.  
3 If any person fails to send any child under his custody or  
4 control to some lawful school, the truant officer or, in a  
5 school district that does not have a truant officer, the  
6 regional superintendent of schools or his or her designee  
7 shall, as soon as practicable after he is notified thereof,  
8 give notice in person or by mail to such person that such child  
9 shall be present at the proper public school on the day  
10 following the receipt of such notice. The notice shall state  
11 the date that attendance at school must begin and that such  
12 attendance must be continuous and consecutive in the district  
13 during the remainder of the school year. The truant officer or,  
14 in a school district that does not have a truant officer, the  
15 regional superintendent of schools or his or her designee shall  
16 at the same time that such notice is given notify the teacher  
17 or superintendent of the proper public school thereof and the  
18 teacher or superintendent shall notify the truant officer or  
19 regional superintendent of schools of any non-compliance  
20 therewith.

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

22 (105 ILCS 5/26-8) (from Ch. 122, par. 26-8)

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

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

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

17 (105 ILCS 5/26-14) (from Ch. 122, par. 26-14)

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

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

27 (105 ILCS 5/26-16 new)

28 Sec. 26-16. Graduation incentives program.

29 (a) The General Assembly finds that it is critical to  
30 provide options for children to succeed in school. The purpose  
31 of this Section is to provide incentives for and encourage all  
32 Illinois students who have experienced or are experiencing  
33 difficulty in the traditional education system to enroll in  
34 alternative programs.

1       (b) Any student who is no more than 18 years of age is  
2 eligible to enroll in a graduation incentives program if he or  
3 she:

4           (1) is considered a dropout pursuant to Section 26-2a  
5 of this Code;

6           (2) has been suspended or expelled pursuant to Section  
7 10-22.6 or 34-19 of this Code;

8           (3) is pregnant or is a parent;

9           (4) has been assessed as chemically dependent; or

10          (5) is enrolled in a bilingual education or LEP  
11 program.

12       (c) The following programs qualify as graduation  
13 incentives programs for students meeting the criteria  
14 established in this Section:

15           (1) Any public elementary or secondary education  
16 graduation incentives program established by a school  
17 district or by a regional office of education.

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

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

31           (4) Job and career programs approved by the State  
32 Superintendent of Education that are available through  
33 Illinois-accredited private business and vocational  
34 schools. Subject to available funds, pupils may apply for  
35 reimbursement of up to 100% of tuition costs upon a showing  
36 of employment within 6 months after completion of a job or

1 career program. The State Superintendent of Education  
2 shall establish, by rule, the qualifications for  
3 reimbursement, criteria for determining reimbursement  
4 amounts, and limits on reimbursement.

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

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