



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5176

by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

105 ILCS 5/26-7	from Ch. 122, par. 26-7
105 ILCS 5/26-8	from Ch. 122, par. 26-8
105 ILCS 5/34-4.5	
705 ILCS 405/3-33.5	

Amends the School Code and the Juvenile Court Act of 1987. Eliminates the requirement that the Chicago Board of Education establish an Office of Chronic Truant Adjudication. Requires the Chicago Board of Education to implement a socio-emotional focused attendance policy that targets the underlying causes of chronic truancy. Makes changes concerning the Chicago school district's truancy intervention services for a pupil and the pupil's parent or guardian. Revises language to make certain actions permissible rather than mandatory with respect to truancy. Makes other changes, including changes concerning penalties.

LRB101 19843 NHT 69363 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 26-7, 26-8, and 34-4.5 as follows:

6 (105 ILCS 5/26-7) (from Ch. 122, par. 26-7)

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

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

1 officer or regional superintendent of schools of any
2 non-compliance therewith.

3 (Source: P.A. 93-858, eff. 1-1-05.)

4 (105 ILCS 5/26-8) (from Ch. 122, par. 26-8)

5 Sec. 26-8. Determination as to compliance - Complaint in
6 circuit court. A truant officer or, in a school district that
7 does not have a truant officer, the regional superintendent of
8 schools or his or her designee, after giving the notice
9 provided in Section 26-7, may ~~shall~~ determine whether the
10 notice has been complied with. If 3 notices have been given and
11 the notices have not been complied with, and if the persons
12 having custody or control have knowingly and willfully ~~willfully~~
13 permitted the truant behavior to continue, the regional
14 superintendent of schools, or his or her designee, of the
15 school district where the child resides may ~~shall~~ conduct a
16 truancy hearing. If the regional superintendent determines as a
17 result of the hearing that the child is truant, the regional
18 superintendent shall, if age appropriate at the discretion of
19 the regional superintendent, require the student to complete 20
20 to 40 hours of community service over a period of 90 days. If
21 the truancy persists, the regional superintendent may ~~shall~~ (i)
22 make complaint against the persons having custody or control to
23 the state's attorney or in the circuit court in the county
24 where such person resides for failure to comply with the
25 provisions of this Article or (ii) conduct truancy mediation

1 and encourage the student to enroll in a graduation incentives
2 program under Section 26-16 of this Code. If, however, after
3 giving the notice provided in Section 26-7 the truant behavior
4 has continued, and the child is beyond the control of the
5 parents, guardians or custodians, a truancy petition may ~~shall~~
6 be filed under the provisions of Article III of the Juvenile
7 Court Act of 1987.

8 (Source: P.A. 93-858, eff. 1-1-05; 93-1079, eff. 1-21-05.)

9 (105 ILCS 5/34-4.5)

10 Sec. 34-4.5. Chronic truants.

11 (a) Socio-emotional focused attendance policy ~~Office of~~
12 ~~Chronic Truant Adjudication~~. The board shall implement a
13 socio-emotional focused attendance policy that targets the
14 underlying causes of chronic truancy. For each pupil identified
15 as a chronic truant, as defined in Section 26-2a of this Code,
16 the board may establish an individualized student attendance
17 plan to identify and resolve the underlying cause of the
18 pupil's chronic truancy. ~~establish and implement an Office of~~
19 ~~Chronic Truant Adjudication, which shall be responsible for~~
20 ~~administratively adjudicating cases of chronic truancy and~~
21 ~~imposing appropriate sanctions. The board shall appoint or~~
22 ~~employ hearing officers to perform the adjudicatory functions~~
23 ~~of that Office. Principals and other appropriate personnel may~~
24 ~~refer pupils suspected of being chronic truants, as defined in~~
25 ~~Section 26 2a of this Code, to the Office of Chronic Truant~~

1 ~~Adjudication.~~

2 (b) Notices. Prior to the implementation of any truancy
3 intervention services pursuant to subsection (d) of this
4 Section ~~Before any hearing may be held under subsection (c),~~
5 the principal of the school attended by the pupil or the
6 principal's designee shall notify the pupil's parent or
7 guardian by personal visit, letter, or telephone of each
8 unexcused absence of the pupil. After giving the parent or
9 guardian notice of the tenth unexcused absence of the pupil,
10 the principal or the principal's designee shall send the
11 pupil's parent or guardian a letter, by certified mail, return
12 receipt requested, notifying the parent or guardian that he or
13 she is subjecting himself or herself to truancy intervention
14 services ~~a hearing procedure~~ as provided under subsection (d)
15 ~~(c) and clearly describing any and all possible penalties that~~
16 ~~may be imposed as provided for in subsections (d) and (e) of~~
17 this Section.

18 (c) (Blank). ~~Hearing. Once a pupil has been referred to the~~
19 ~~Office of Chronic Truant Adjudication, a hearing shall be~~
20 ~~scheduled before an appointed hearing officer, and the pupil~~
21 ~~and the pupil's parents or guardian shall be notified by~~
22 ~~certified mail, return receipt requested stating the time,~~
23 ~~place, and purpose of the hearing. The hearing officer shall~~
24 ~~hold a hearing and render a written decision within 14 days~~
25 ~~determining whether the pupil is a chronic truant as defined in~~
26 ~~Section 26 2a of this Code and whether the parent or guardian~~

1 ~~took reasonable steps to assure the pupil's attendance at~~
2 ~~school. The hearing shall be private unless a public hearing is~~
3 ~~requested by the pupil's parent or guardian, and the pupil may~~
4 ~~be present at the hearing with a representative in addition to~~
5 ~~the pupil's parent or guardian. The board shall present~~
6 ~~evidence of the pupil's truancy, and the pupil and the parent~~
7 ~~or guardian or representative of the pupil may cross examine~~
8 ~~witnesses, present witnesses and evidence, and present~~
9 ~~defenses to the charges. All testimony at the hearing shall be~~
10 ~~taken under oath administered by the hearing officer. The~~
11 ~~decision of the hearing officer shall constitute an~~
12 ~~"administrative decision" for purposes of judicial review~~
13 ~~under the Administrative Review Law.~~

14 (d) Truancy intervention services Penalties. The chief
15 executive officer or the chief executive officer's designee
16 ~~hearing officer~~ may require the pupil or the pupil's parent or
17 guardian or both the pupil and the pupil's parent or guardian
18 to do any or all of the following: ~~perform reasonable school or~~
19 ~~community services for a period not to exceed 30 days;~~ complete
20 a parenting education program; obtain counseling or other
21 supportive services; and comply with an individualized
22 educational plan or service plan as provided by appropriate
23 school officials. If the parent or guardian of the chronic
24 truant shows that he or she took reasonable steps to insure
25 attendance of the pupil at school, he or she shall not be
26 required to perform services.

1 (e) Non-compliance with services ~~sanctions~~.
2 Notwithstanding any other provision of law to the contrary, if
3 ~~If~~ a pupil determined by the chief executive officer or the
4 chief executive officer's designee ~~a hearing officer~~ to be a
5 chronic truant or the parent or guardian of the pupil fails to
6 fully participate in the services offered ~~comply with the~~
7 ~~sanctions ordered by the hearing officer~~ under subsection (d)
8 ~~(e)~~ of this Section, the chief executive officer or the chief
9 executive officer's designee ~~Office of Chronic Truant~~
10 ~~Adjudication~~ may refer the matter to the Department of Human
11 Services or to the Department of Healthcare and Family Services
12 for socio-emotional based intervention and prevention
13 services. Additionally, if the circumstances regarding a pupil
14 identified as a chronic truant reasonably indicate that the
15 pupil may be subject to abuse or neglect, the chief executive
16 officer or the chief executive officer's designee must report
17 any findings supporting the possibility of abuse or neglect to
18 the Department of Children and Family Services pursuant to the
19 Abused and Neglected Child Reporting Act ~~the State's Attorney~~
20 ~~for prosecution under Section 3-33.5 of the Juvenile Court Act~~
21 ~~of 1987.~~

22 (f) Limitation on applicability. Nothing in this Section
23 shall be construed to apply to a parent or guardian of a pupil
24 not required to attend a public school pursuant to Section
25 26-1.

26 (Source: P.A. 94-1011, eff. 7-7-06.)

1 Section 10. The Juvenile Court Act of 1987 is amended by
2 changing Section 3-33.5 as follows:

3 (705 ILCS 405/3-33.5)

4 Sec. 3-33.5. Truant minors in need of supervision.

5 (a) Definition. A minor who is reported by the office of
6 the regional superintendent of schools, ~~or, in cities of over~~
7 ~~500,000 inhabitants, by the Office of Chronic Truant~~
8 ~~Adjudication,~~ as a chronic truant may be subject to a petition
9 for adjudication and adjudged a truant minor in need of
10 supervision, provided that prior to the filing of the petition,
11 the office of the regional superintendent of schools, ~~the~~
12 ~~Office of Chronic Truant Adjudication,~~ or a community truancy
13 review board certifies that the local school has provided
14 appropriate truancy intervention services to the truant minor
15 and his or her family. For purposes of this Section, "truancy
16 intervention services" means services designed to assist the
17 minor's return to an educational program, and includes but is
18 not limited to: assessments, counseling, mental health
19 services, shelter, optional and alternative education
20 programs, tutoring, and educational advocacy. If, after review
21 by the regional office of education, ~~the Office of Chronic~~
22 ~~Truant Adjudication,~~ or community truancy review board, it is
23 determined the local school did not provide the appropriate
24 interventions, then the minor shall be referred to a

1 comprehensive community based youth service agency for truancy
2 intervention services. If the comprehensive community based
3 youth service agency is incapable to provide intervention
4 services, then this requirement for services is not applicable.
5 The comprehensive community based youth service agency shall
6 submit reports to the office of the regional superintendent of
7 schools, ~~the Office of Chronic Truant Adjudication,~~ or truancy
8 review board within 20, 40, and 80 school days of the initial
9 referral or at any other time requested by the office of the
10 regional superintendent of schools, ~~the Office of Chronic~~
11 ~~Truant Adjudication,~~ or truancy review board, which reports
12 each shall certify the date of the minor's referral and the
13 extent of the minor's progress and participation in truancy
14 intervention services provided by the comprehensive community
15 based youth service agency. In addition, if, after referral by
16 the office of the regional superintendent of schools, ~~the~~
17 ~~Office of Chronic Truant Adjudication,~~ or community truancy
18 review board, the minor declines or refuses to fully
19 participate in truancy intervention services provided by the
20 comprehensive community based youth service agency, then the
21 agency shall immediately certify such facts to the office of
22 the regional superintendent of schools, ~~the Office of Chronic~~
23 ~~Truant Adjudication,~~ or community truancy review board.

24 (a-1) There is a rebuttable presumption that a chronic
25 truant is a truant minor in need of supervision.

26 (a-2) There is a rebuttable presumption that school records

1 of a minor's attendance at school are authentic.

2 (a-3) For purposes of this Section, "chronic truant" has
3 the meaning ascribed to it in Section 26-2a of the School Code.

4 (a-4) For purposes of this Section, a "community truancy
5 review board" is a local community based board comprised of but
6 not limited to: representatives from local comprehensive
7 community based youth service agencies, representatives from
8 court service agencies, representatives from local schools,
9 representatives from health service agencies, and
10 representatives from local professional and community
11 organizations as deemed appropriate by the office of the
12 regional superintendent of schools, ~~or, in cities of over~~
13 ~~500,000 inhabitants, by the Office of Chronic Truant~~
14 ~~Adjudication.~~ The regional superintendent of schools, ~~or, in~~
15 ~~cities of over 500,000 inhabitants, the Office of Chronic~~
16 ~~Truant Adjudication,~~ must approve the establishment and
17 organization of a community truancy review board, and the
18 regional superintendent of schools or his or her designee, ~~or,~~
19 ~~in cities of over 500,000 inhabitants, the general~~
20 ~~superintendent of schools or his or her designee,~~ shall chair
21 the board.

22 (a-5) Nothing in this Section shall be construed to create
23 a private cause of action or right of recovery against a
24 regional office of education ~~or the Office of Chronic Truant~~
25 ~~Adjudication,~~ its superintendent, or its staff with respect to
26 truancy intervention services where the determination to

1 provide the services is made in good faith.

2 (b) Kinds of dispositional orders. A minor found to be a
3 truant minor in need of supervision may be:

4 (1) committed to the appropriate regional
5 superintendent of schools for a student assistance team
6 staffing, a service plan, or referral to a comprehensive
7 community based youth service agency;

8 (2) required to comply with a service plan as
9 specifically provided by the appropriate regional
10 superintendent of schools;

11 (3) ordered to obtain counseling or other supportive
12 services;

13 (4) (blank); ~~subject to a fine in an amount in excess~~
14 ~~of \$5, but not exceeding \$100, and each day of absence~~
15 ~~without valid cause as defined in Section 26-2a of The~~
16 ~~School Code is a separate offense;~~

17 (5) required to perform some reasonable public service
18 work such as, but not limited to, the picking up of litter
19 in public parks or along public highways or the maintenance
20 of public facilities; or

21 (6) (blank). ~~subject to having his or her driver's~~
22 ~~license or driving privilege suspended for a period of time~~
23 ~~as determined by the court but only until he or she attains~~
24 ~~18 years of age.~~

25 A dispositional order may include ~~a fine,~~ public service,
26 ~~or suspension of a driver's license or privilege~~ only if the

1 court has made an express written finding that a truancy
2 prevention program has been offered by the school, regional
3 superintendent of schools, or a comprehensive community based
4 youth service agency to the truant minor in need of
5 supervision.

6 (c) Orders entered under this Section may be enforced by
7 contempt proceedings.

8 (Source: P.A. 97-975, eff. 8-17-12.)