

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 Section
5 26-12 as follows:

6 (105 ILCS 5/26-12) (from Ch. 122, par. 26-12)

7 Sec. 26-12. Punitive action.

8 (a) No punitive action, including out-of-school
9 suspensions, expulsions, or court action, shall be taken
10 against truant minors for such truancy unless appropriate and
11 available supportive services and other school resources have
12 been provided to the student. Notwithstanding the provisions
13 of Section 10-22.6 of this Code, a truant minor may not be
14 administratively withdrawn ~~expelled~~ for nonattendance unless
15 he or she has accrued 15 consecutive days of absences without
16 valid cause and the student cannot be located by the school
17 district or the school district has located the student but
18 cannot, after exhausting all available supportive services,
19 compel the student to return to school. A school district must
20 make at least 3 documented attempts to notify the parent or
21 guardian of its intent to administratively withdraw a student
22 pursuant to this subsection prior to withdrawing the student.
23 The State Board may further clarify the requirements of this

1 subsection through administrative rules.

2 (b) School personnel may not refer a truant, chronic
3 truant, or truant minor to any other local public entity, as
4 defined under Section 1-206 of the Local Governmental and
5 Governmental Employees Tort Immunity Act, school resource
6 officer, as defined in Section 10-20.68 of this Code, or peace
7 officer, as defined in Section 2-13 of the Criminal Code of
8 2012, for that local public entity, school resource officer,
9 or peace officer to issue the child a fine or a fee as
10 punishment for his or her truancy.

11 (c) A school district may refer any person having custody
12 or control of a truant, chronic truant, or truant minor to any
13 other local public entity, as defined under Section 1-206 of
14 the Local Governmental and Governmental Employees Tort
15 Immunity Act, for that local public entity to issue the person
16 a fine or fee for the child's truancy only if the school
17 district's truant officer, regional office of education, or
18 intermediate service center has been notified of the truant
19 behavior and the school district, regional office of
20 education, or intermediate service center has offered all
21 appropriate and available supportive services and other school
22 resources to the child. Before a school district may refer a
23 person having custody or control of a child to a municipality,
24 as defined under Section 1-1-2 of the Illinois Municipal Code,
25 the school district must provide the following appropriate and
26 available services:

1 (1) For any child who is a homeless child, as defined
2 under Section 1-5 of the Education for Homeless Children
3 Act, a meeting between the child, the person having
4 custody or control of the child, relevant school
5 personnel, and a homeless liaison to discuss any barriers
6 to the child's attendance due to the child's transitional
7 living situation and to construct a plan that removes
8 these barriers.

9 (2) For any child with a documented disability, a
10 meeting between the child, the person having custody or
11 control of the child, and relevant school personnel to
12 review the child's current needs and address the
13 appropriateness of the child's placement and services. For
14 any child subject to Article 14 of this Code, this meeting
15 shall be an individualized education program meeting and
16 shall include relevant members of the individualized
17 education program team. For any child with a disability
18 under Section 504 of the federal Rehabilitation Act of
19 1973 (29 U.S.C. 794), this meeting shall be a Section 504
20 plan review and include relevant members of the Section
21 504 plan team.

22 (3) For any child currently being evaluated by a
23 school district for a disability or for whom the school
24 has a basis of knowledge that the child is a child with a
25 disability under 20 U.S.C. 1415(k)(5), the completion of
26 the evaluation and determination of the child's

1 eligibility for special education services.

2 (d) Before a school district may refer a person having
3 custody or control of a child to a local public entity under
4 this Section, the school district must document any
5 appropriate and available supportive services offered to the
6 child. In the event a meeting under this Section does not
7 occur, a school district must have documentation that it made
8 reasonable efforts to convene the meeting at a mutually
9 convenient time and date for the school district and the
10 person having custody or control of the child and, but for the
11 conduct of that person, the meeting would have occurred.

12 (Source: P.A. 104-430, eff. 8-20-25.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.