

HB3806



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3806

Introduced 10/5/2011, by Rep. John D. Cavaletto

SYNOPSIS AS INTRODUCED:

705 ILCS 405/3-33.5

Amends the Juvenile Court Act of 1987. In the provision relating to truant minors in need of supervision, changes the definition of "chronic truant" to having the meaning ascribed to it in the School Code. Effective immediately.

LRB097 13345 RLC 57861 b

A BILL FOR

1 AN ACT concerning minors.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 3-33.5 as follows:

6 (705 ILCS 405/3-33.5)

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

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

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

1 Truant Adjudication, or community truancy review board.

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

4 (a-2) There is a rebuttable presumption that school records
5 of a minor's attendance at school are authentic.

6 (a-3) For purposes of this Section, "chronic truant" ~~means~~
7 ~~a minor subject to compulsory school attendance and who is~~
8 ~~absent without valid cause from such attendance for 10% or more~~
9 ~~of the previous 180 regular attendance days and has the meaning~~
10 ascribed to it in Section 26-2a of the School Code.

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

1 superintendent of schools or his or her designee, shall chair
2 the board.

3 (a-5) Nothing in this Section shall be construed to create
4 a private cause of action or right of recovery against a
5 regional office of education or the Office of Chronic Truant
6 Adjudication, its superintendent, or its staff with respect to
7 truancy intervention services where the determination to
8 provide the services is made in good faith.

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

11 (1) committed to the appropriate regional
12 superintendent of schools for a student assistance team
13 staffing, a service plan, or referral to a comprehensive
14 community based youth service agency;

15 (2) required to comply with a service plan as
16 specifically provided by the appropriate regional
17 superintendent of schools;

18 (3) ordered to obtain counseling or other supportive
19 services;

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

24 (5) required to perform some reasonable public service
25 work such as, but not limited to, the picking up of litter
26 in public parks or along public highways or the maintenance

1 of public facilities; or

2 (6) subject to having his or her driver's license or
3 driving privilege suspended for a period of time as
4 determined by the court but only until he or she attains 18
5 years of age.

6 A dispositional order may include a fine, public service,
7 or suspension of a driver's license or privilege only if the
8 court has made an express written finding that a truancy
9 prevention program has been offered by the school, regional
10 superintendent of schools, or a comprehensive community based
11 youth service agency to the truant minor in need of
12 supervision.

13 (c) Orders entered under this Section may be enforced by
14 contempt proceedings.

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.