



Rep. Sonya M. Harper

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10200HB3099ham001

LRB102 14245 CMG 24965 a

1 AMENDMENT TO HOUSE BILL 3099

2 AMENDMENT NO. _____. Amend House Bill 3099 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing
5 Sections 26-8 and 34-4.5 as follows:

6 (105 ILCS 5/26-8) (from Ch. 122, par. 26-8)

7 Sec. 26-8. Determination as to compliance - Complaint in
8 circuit court. Except for a school district organized under
9 Article 34 of this Code, a A truant officer or, in a school
10 district that does not have a truant officer, the regional
11 superintendent of schools or his or her designee, after giving
12 the notice provided in Section 26-7, shall determine whether
13 the notice has been complied with. If 3 notices have been given
14 and the notices have not been complied with, and if the persons
15 having custody or control have knowingly and willfully
16 ~~willfully~~ permitted the truant behavior to continue, the

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

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

21 (105 ILCS 5/34-4.5)

22 Sec. 34-4.5. Chronic truants.

23 (a) Socio-emotional focused attendance intervention ~~Office~~
24 ~~of Chronic Truant Adjudication~~. The chief executive officer or
25 the chief executive officer's designee ~~board~~ shall implement a

1 socio-emotional focused attendance approach that targets the
2 underlying causes of chronic truancy. For each pupil
3 identified as a chronic truant, as defined in Section 26-2a of
4 this Code, the board may establish an individualized student
5 attendance plan to identify and resolve the underlying cause
6 of the pupil's chronic truancy. ~~establish and implement an~~
7 ~~Office of Chronic Truant Adjudication, which shall be~~
8 ~~responsible for administratively adjudicating cases of chronic~~
9 ~~truancy and imposing appropriate sanctions. The board shall~~
10 ~~appoint or employ hearing officers to perform the adjudicatory~~
11 ~~functions of that Office. Principals and other appropriate~~
12 ~~personnel may refer pupils suspected of being chronic truants,~~
13 ~~as defined in Section 26-2a of this Code, to the Office of~~
14 ~~Chronic Truant Adjudication.~~

15 (b) Notices. Prior to the implementation of any truancy
16 intervention services pursuant to subsection (d) of this
17 Section ~~Before any hearing may be held under subsection (c),~~
18 the principal of the school attended by the pupil or the
19 principal's designee shall notify the pupil's parent or
20 guardian by personal visit, letter, or telephone of each
21 unexcused absence of the pupil. After giving the parent or
22 guardian notice of the tenth unexcused absence of the pupil,
23 the principal or the principal's designee shall send the
24 pupil's parent or guardian a letter, by certified mail, return
25 receipt requested, notifying the parent or guardian that he or
26 she is subjecting himself or herself to truancy intervention

1 ~~services a hearing procedure~~ as provided under subsection (d)
2 ~~(e) and clearly describing any and all possible penalties that~~
3 ~~may be imposed as provided for in subsections (d) and (e) of~~
4 this Section.

5 (c) ~~(Blank).~~ Hearing. Once a pupil has been referred to
6 the Office of Chronic Truant Adjudication, a hearing shall be
7 scheduled before an appointed hearing officer, and the pupil
8 and the pupil's parents or guardian shall be notified by
9 certified mail, return receipt requested stating the time,
10 place, and purpose of the hearing. The hearing officer shall
11 hold a hearing and render a written decision within 14 days
12 determining whether the pupil is a chronic truant as defined
13 in Section 26-2a of this Code and whether the parent or
14 guardian took reasonable steps to assure the pupil's
15 attendance at school. The hearing shall be private unless a
16 public hearing is requested by the pupil's parent or guardian,
17 and the pupil may be present at the hearing with a
18 representative in addition to the pupil's parent or guardian.
19 The board shall present evidence of the pupil's truancy, and
20 the pupil and the parent or guardian or representative of the
21 pupil may cross examine witnesses, present witnesses and
22 evidence, and present defenses to the charges. All testimony
23 at the hearing shall be taken under oath administered by the
24 hearing officer. The decision of the hearing officer shall
25 constitute an "administrative decision" for purposes of
26 judicial review under the Administrative Review Law.

1 (d) Truancy intervention services ~~Penalties~~. The chief
2 executive officer or the chief executive officer's designee
3 ~~hearing officer~~ may require the pupil or the pupil's parent or
4 guardian or both the pupil and the pupil's parent or guardian
5 to do any or all of the following: ~~perform reasonable school or~~
6 ~~community services for a period not to exceed 30 days;~~
7 complete a parenting education program; obtain counseling or
8 other supportive services; and comply with an individualized
9 educational plan or service plan as provided by appropriate
10 school officials. If the parent or guardian of the chronic
11 truant shows that he or she took reasonable steps to ensure
12 ~~insure~~ attendance of the pupil at school, he or she shall not
13 be required to perform services.

14 (e) Non-compliance with services ~~sanctions~~.
15 Notwithstanding any other provision of law to the contrary, if
16 ~~if~~ a pupil determined by the chief executive officer or the
17 chief executive officer's designee ~~a hearing officer~~ to be a
18 chronic truant or the parent or guardian of the pupil fails to
19 fully participate in the services offered ~~comply with the~~
20 ~~sanctions ordered by the hearing officer~~ under subsection (d)
21 ~~(e)~~ of this Section, the chief executive officer or the chief
22 executive officer's designee ~~Office of Chronic Truant~~
23 ~~Adjudication~~ may refer the matter to the Department of Human
24 Services, the Department of Healthcare and Family Services, or
25 any other applicable organization or State agency for
26 socio-emotional based intervention and prevention services.

1 Additionally, if the circumstances regarding a pupil
2 identified as a chronic truant reasonably indicate that the
3 pupil may be subject to abuse or neglect, apart from truancy,
4 the chief executive officer or the chief executive officer's
5 designee must report any findings that support suspected abuse
6 or neglect to the Department of Children and Family Services
7 pursuant to the Abused and Neglected Child Reporting Act. A
8 State agency that receives a referral may enter into a data
9 sharing agreement with the school district to share applicable
10 student referral and case data. A State agency that receives a
11 referral from the school district shall implement an intake
12 process that may include a consent form that allows the agency
13 to share information with the school district. ~~the State's~~
14 ~~Attorney for prosecution under Section 3-33.5 of the Juvenile~~
15 ~~Court Act of 1987.~~

16 (f) Limitation on applicability. Nothing in this Section
17 shall be construed to apply to a parent or guardian of a pupil
18 not required to attend a public school pursuant to Section
19 26-1.

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

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

23 (705 ILCS 405/3-33.5)

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

1 (a) Definition. A minor who is reported by the office of
2 the regional superintendent of schools, ~~or, in cities of over~~
3 ~~500,000 inhabitants, by the Office of Chronic Truant~~
4 ~~Adjudication,~~ as a chronic truant may be subject to a petition
5 for adjudication and adjudged a truant minor in need of
6 supervision, provided that prior to the filing of the
7 petition, the office of the regional superintendent of
8 schools, ~~the Office of Chronic Truant Adjudication,~~ or a
9 community truancy review board certifies that the local school
10 has provided appropriate truancy intervention services to the
11 truant minor and his or her family. For purposes of this
12 Section, "truancy intervention services" means services
13 designed to assist the minor's return to an educational
14 program, and includes but is not limited to: assessments,
15 counseling, mental health services, shelter, optional and
16 alternative education programs, tutoring, and educational
17 advocacy. If, after review by the regional office of
18 education, ~~the Office of Chronic Truant Adjudication,~~ or
19 community truancy review board, it is determined the local
20 school did not provide the appropriate interventions, then the
21 minor shall be referred to a comprehensive community based
22 youth service agency for truancy intervention services. If the
23 comprehensive community based youth service agency is
24 incapable to provide intervention services, then this
25 requirement for services is not applicable. The comprehensive
26 community based youth service agency shall submit reports to

1 the office of the regional superintendent of schools,~~the~~
2 ~~Office of Chronic Truant Adjudication,~~ or truancy review board
3 within 20, 40, and 80 school days of the initial referral or at
4 any other time requested by the office of the regional
5 superintendent of schools,~~the Office of Chronic Truant~~
6 ~~Adjudication,~~ or truancy review board, which reports each
7 shall certify the date of the minor's referral and the extent
8 of the minor's progress and participation in truancy
9 intervention services provided by the comprehensive community
10 based youth service agency. In addition, if, after referral by
11 the office of the regional superintendent of schools,~~the~~
12 ~~Office of Chronic Truant Adjudication,~~ or community truancy
13 review board, the minor declines or refuses to fully
14 participate in truancy intervention services provided by the
15 comprehensive community based youth service agency, then the
16 agency shall immediately certify such facts to the office of
17 the regional superintendent of schools,~~the Office of Chronic~~
18 ~~Truant Adjudication,~~ or community truancy review board.

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

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

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

25 (a-4) For purposes of this Section, a "community truancy
26 review board" is a local community based board comprised of

1 but not limited to: representatives from local comprehensive
2 community based youth service agencies, representatives from
3 court service agencies, representatives from local schools,
4 representatives from health service agencies, and
5 representatives from local professional and community
6 organizations as deemed appropriate by the office of the
7 regional superintendent of schools,~~or, in cities of over~~
8 ~~500,000 inhabitants, by the Office of Chronic Truant~~
9 ~~Adjudication.~~ The regional superintendent of schools,~~or, in~~
10 ~~cities of over 500,000 inhabitants, the Office of Chronic~~
11 ~~Truant Adjudication,~~ must approve the establishment and
12 organization of a community truancy review board, and the
13 regional superintendent of schools or his or her designee,~~or,~~
14 ~~in cities of over 500,000 inhabitants, the general~~
15 ~~superintendent of schools or his or her designee,~~ shall chair
16 the board.

17 (a-5) Nothing in this Section shall be construed to create
18 a private cause of action or right of recovery against a
19 regional office of education ~~or the Office of Chronic Truant~~
20 ~~Adjudication,~~ its superintendent, or its staff with respect to
21 truancy intervention services where the determination to
22 provide the services is made in good faith.

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

25 (1) committed to the appropriate regional
26 superintendent of schools for a student assistance team

1 staffing, a service plan, or referral to a comprehensive
2 community based youth service agency;

3 (2) required to comply with a service plan as
4 specifically provided by the appropriate regional
5 superintendent of schools;

6 (3) ordered to obtain counseling or other supportive
7 services;

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

12 (5) required to perform some reasonable public service
13 work such as, but not limited to, the picking up of litter
14 in public parks or along public highways or the
15 maintenance of public facilities; or

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

20 A dispositional order may include ~~a fine,~~ public service,
21 ~~or suspension of a driver's license or privilege~~ only if the
22 court has made an express written finding that a truancy
23 prevention program has been offered by the school, regional
24 superintendent of schools, or a comprehensive community based
25 youth service agency to the truant minor in need of
26 supervision.

1 (c) Orders entered under this Section may be enforced by
2 contempt proceedings.
3 (Source: P.A. 97-975, eff. 8-17-12.)".