



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2138

Introduced 2/26/2021, by Sen. Jacqueline Y. Collins

SYNOPSIS AS INTRODUCED:

105 ILCS 5/26-12

from Ch. 122, par. 26-12

Amends the School Code. In regards to punitive action against a truant minor, provides that a truant minor may not be removed from the attendance rolls until all appropriate and available services have been utilized to compel the student to return to school. Sets forth the measures a school district must take prior to the removal of the student from the attendance rolls. Sets forth the services the school district must provide to a student who is homeless or who has a documented disability prior to the removal of the student from the attendance rolls or prior to referring a person who has custody or control of the student to a municipality. Effective July 1, 2022.

LRB102 11422 CMG 16755 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 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. Supportive services provided to
13 the student shall be trauma-informed and shall respond to the
14 individual needs of the student. A ~~Notwithstanding the~~
15 ~~provisions of Section 10-22.6 of this Code,~~ a truant minor may
16 not be removed from the attendance rolls ~~expelled~~ for
17 nonattendance unless he or she has accrued 15 consecutive days
18 of absences without valid cause and: ~~the student cannot be~~
19 ~~located by the school district or~~

20 (1) the school district has located the student but
21 cannot, after exhausting appropriate and ~~all~~ available
22 supportive services, compel the student to return to
23 school; or.

1 (2) the student cannot be located by the school
2 district after all of the following steps have been taken:

3 (A) The school district has called all telephone
4 numbers on file for the student, including emergency
5 contacts.

6 (B) The school district has sent a letter by
7 certified mail to the student's last known address
8 that requests the student's parent or legal guardian
9 to telephone or to come to the school to discuss the
10 student's non-attendance. The letter shall provide
11 information on how to contact the school. The letter
12 shall state that if the student does not return to
13 school by a specified date, or if the parent or legal
14 guardian has not contacted the school, the student is
15 at risk of being removed from the attendance rolls.
16 The letter shall be written in the native language of
17 the student's parent or guardian unless it is clearly
18 not feasible to do so. The school district must send
19 copies of the letter to all electronic mail addresses
20 on file for the parent or legal guardian.

21 (C) The school district has waited at least 7 days
22 after the letter described in subparagraph (B) was
23 either received or was returned as undeliverable.

24 (a-5) If a school removes a student from attendance rolls
25 for non-attendance pursuant to subsection (a) of this Section,
26 the school district must send a letter by certified mail to the

1 student's last known address that explains to the student's
2 parent or guardian that the student has a legal right to
3 re-enroll and sets forth the process of re-enrollment. The
4 letter must also explain that a student who is experiencing
5 homelessness or housing insecurity may be eligible for
6 immediate re-enrollment without producing records normally
7 required to enroll. The letter must be sent within 24 hours of
8 the removal of the student from the attendance rolls. The
9 letter shall be written in the native language of the
10 student's parent or guardian unless it is clearly not feasible
11 to do so.

12 (b) A school district may not refer a truant, chronic
13 truant, or truant minor to any other local public entity, as
14 defined under Section 1-206 of the Local Governmental and
15 Governmental Employees Tort Immunity Act, for that local
16 public entity to issue the child a fine or a fee as punishment
17 for his or her truancy.

18 (c) A school district may refer any person having custody
19 or control of a truant, chronic truant, or truant minor to any
20 other local public entity, as defined under Section 1-206 of
21 the Local Governmental and Governmental Employees Tort
22 Immunity Act, for that local public entity to issue the person
23 a fine or fee for the child's truancy only if the school
24 district's truant officer, regional office of education, or
25 intermediate service center has been notified of the truant
26 behavior and the school district, regional office of

1 education, or intermediate service center has offered all
2 appropriate and available supportive services and other school
3 resources to the child.

4 (c-5) Before a school district may remove the following
5 categories of students from the attendance rolls or refer a
6 person having custody or control of a child to a municipality,
7 as defined under Section 1-1-2 of the Illinois Municipal Code,
8 the school district must provide the following appropriate and
9 available services:

10 (1) For any child who is a homeless child, as defined
11 under Section 1-5 of the Education for Homeless Children
12 Act, a meeting between the child, the person having
13 custody or control of the child, relevant school
14 personnel, and a homeless liaison to discuss any barriers
15 to the child's attendance due to the child's transitional
16 living situation and to construct a plan that removes
17 these barriers.

18 (2) For any child with a documented disability, a
19 meeting between the child, the person having custody or
20 control of the child, and relevant school personnel to
21 review the child's current needs and address the
22 appropriateness of the child's placement and services. For
23 any child subject to Article 14 of this Code, this meeting
24 shall be an individualized education program meeting and
25 shall include relevant members of the individualized
26 education program team. For any child with a disability

1 under Section 504 of the federal Rehabilitation Act of
2 1973 (29 U.S.C. 794), this meeting shall be a Section 504
3 plan review and include relevant members of the Section
4 504 plan team.

5 (3) For any child currently being evaluated by a
6 school district for a disability or for whom the school
7 has a basis of knowledge that the child is a child with a
8 disability under 20 U.S.C. 1415(k)(5), the completion of
9 the evaluation and determination of the child's
10 eligibility for special education services.

11 (d) Before a school district may remove a student from the
12 attendance rolls for non-attendance or refer a person having
13 custody or control of a child to a local public entity under
14 this Section, the school district must document any
15 appropriate and available supportive services offered to the
16 child. In the event a meeting under this Section does not
17 occur, a school district must have documentation that it made
18 reasonable efforts to convene the meeting at a mutually
19 convenient time and date for the school district and the
20 person having custody or control of the child and, but for the
21 conduct of that person, the meeting would have occurred.

22 (Source: P.A. 100-810, eff. 1-1-19; 100-825, eff. 8-13-18;
23 101-81, eff. 7-12-19.)

24 Section 99. Effective date. This Act takes effect July 1,
25 2022.