

SB2338



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2338

Introduced 2/26/2021, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

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. Revises language to make certain actions permissible rather than mandatory with respect to truancy. Eliminates the requirement that the Chicago Board of Education establish an Office of Chronic Truant Adjudication. Instead, requires the chief executive officer or the chief executive officer's designee to implement a socio-emotional focused attendance approach 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. Makes other changes, including changes concerning penalties.

LRB102 14260 CMG 19612 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 26-8 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. A truant officer or, in a school district that
9 does not have a truant officer, the regional superintendent of
10 schools or his or her designee, after giving the notice
11 provided in Section 26-7, may ~~shall~~ determine whether the
12 notice has been complied with. If 3 notices have been given and
13 the notices have not been complied with, and if the persons
14 having custody or control have knowingly and willfully
15 ~~wilfully~~ permitted the truant behavior to continue, the
16 regional superintendent of schools, or his or her designee, of
17 the school district where the child resides may ~~shall~~ conduct
18 a truancy hearing. If the regional superintendent determines
19 as a result of the hearing that the child is truant, the
20 regional superintendent may ~~shall~~, if age appropriate at the
21 discretion of the regional superintendent, require the student
22 to complete 20 to 40 hours of community service over a period
23 of 90 days. If the truancy persists, the regional

1 superintendent may ~~shall~~ (i) make complaint against the
2 persons having custody or control to the state's attorney or
3 in the circuit court in the county where such person resides
4 for failure to comply with the provisions of this Article or
5 (ii) conduct truancy mediation and encourage the student to
6 enroll in a graduation incentives program under Section 26-16
7 of this Code. If, however, after giving the notice provided in
8 Section 26-7 the truant behavior has continued, and the child
9 is beyond the control of the parents, guardians or custodians,
10 a truancy petition may ~~shall~~ be filed under the provisions of
11 Article III of the Juvenile Court Act of 1987.

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

13 (105 ILCS 5/34-4.5)

14 Sec. 34-4.5. Chronic truants.

15 (a) Socio-emotional focused attendance intervention ~~Office~~
16 ~~of Chronic Truant Adjudication~~. The chief executive officer or
17 the chief executive officer's designee ~~board~~ shall implement a
18 socio-emotional focused attendance approach that targets the
19 underlying causes of chronic truancy. For each pupil
20 identified as a chronic truant, as defined in Section 26-2a of
21 this Code, the board may establish an individualized student
22 attendance plan to identify and resolve the underlying cause
23 of the pupil's chronic truancy. ~~establish and implement an~~
24 ~~Office of Chronic Truant Adjudication, which shall be~~
25 ~~responsible for administratively adjudicating cases of chronic~~

1 ~~truancy and imposing appropriate sanctions. The board shall~~
2 ~~appoint or employ hearing officers to perform the adjudicatory~~
3 ~~functions of that Office. Principals and other appropriate~~
4 ~~personnel may refer pupils suspected of being chronic truants,~~
5 ~~as defined in Section 26-2a of this Code, to the Office of~~
6 ~~Chronic Truant Adjudication.~~

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

23 (c) (Blank). ~~Hearing. Once a pupil has been referred to~~
24 ~~the Office of Chronic Truant Adjudication, a hearing shall be~~
25 ~~scheduled before an appointed hearing officer, and the pupil~~
26 ~~and the pupil's parents or guardian shall be notified by~~

1 ~~certified mail, return receipt requested stating the time,~~
2 ~~place, and purpose of the hearing. The hearing officer shall~~
3 ~~hold a hearing and render a written decision within 14 days~~
4 ~~determining whether the pupil is a chronic truant as defined~~
5 ~~in Section 26-2a of this Code and whether the parent or~~
6 ~~guardian took reasonable steps to assure the pupil's~~
7 ~~attendance at school. The hearing shall be private unless a~~
8 ~~public hearing is requested by the pupil's parent or guardian,~~
9 ~~and the pupil may be present at the hearing with a~~
10 ~~representative in addition to the pupil's parent or guardian.~~
11 ~~The board shall present evidence of the pupil's truancy, and~~
12 ~~the pupil and the parent or guardian or representative of the~~
13 ~~pupil may cross examine witnesses, present witnesses and~~
14 ~~evidence, and present defenses to the charges. All testimony~~
15 ~~at the hearing shall be taken under oath administered by the~~
16 ~~hearing officer. The decision of the hearing officer shall~~
17 ~~constitute an "administrative decision" for purposes of~~
18 ~~judicial review under the Administrative Review Law.~~

19 (d) Truancy intervention services Penalties. The chief
20 executive officer or the chief executive officer's designee
21 ~~hearing officer~~ may require the pupil or the pupil's parent or
22 guardian or both the pupil and the pupil's parent or guardian
23 to do any or all of the following: ~~perform reasonable school or~~
24 ~~community services for a period not to exceed 30 days;~~
25 complete a parenting education program; obtain counseling or
26 other supportive services; and comply with an individualized

1 educational plan or service plan as provided by appropriate
2 school officials. If the parent or guardian of the chronic
3 truant shows that he or she took reasonable steps to ensure
4 ~~insure~~ attendance of the pupil at school, he or she shall not
5 be required to perform services.

6 (e) Non-compliance with services ~~sanctions~~.
7 Notwithstanding any other provision of law to the contrary, if
8 ~~if~~ a pupil determined by the chief executive officer or the
9 chief executive officer's designee ~~a hearing officer~~ to be a
10 chronic truant or the parent or guardian of the pupil fails to
11 fully participate in the services offered ~~comply with the~~
12 ~~sanctions ordered by the hearing officer~~ under subsection (d)
13 ~~(e)~~ of this Section, the chief executive officer or the chief
14 executive officer's designee ~~Office of Chronic Truant~~
15 ~~Adjudication~~ may refer the matter to the Department of Human
16 Services, the Department of Healthcare and Family Services, or
17 any other applicable organization or State agency for
18 socio-emotional based intervention and prevention services.
19 Additionally, if the circumstances regarding a pupil
20 identified as a chronic truant reasonably indicate that the
21 pupil may be subject to abuse or neglect, apart from truancy,
22 the chief executive officer or the chief executive officer's
23 designee must report any findings that support suspected abuse
24 or neglect to the Department of Children and Family Services
25 pursuant to the Abused and Neglected Child Reporting Act. A
26 State agency that receives a referral may enter into a data

1 sharing agreement with the school district to share applicable
2 student referral and case data. A State agency that receives a
3 referral from the school district shall implement an intake
4 process that may include a consent form that allows the agency
5 to share information with the school district. ~~the State's~~
6 ~~Attorney for prosecution under Section 3-33.5 of the Juvenile~~
7 ~~Court Act of 1987.~~

8 (f) Limitation on applicability. Nothing in this Section
9 shall be construed to apply to a parent or guardian of a pupil
10 not required to attend a public school pursuant to Section
11 26-1.

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

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

15 (705 ILCS 405/3-33.5)

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

17 (a) Definition. A minor who is reported by the office of
18 the regional superintendent of schools, ~~or, in cities of over~~
19 ~~500,000 inhabitants, by the Office of Chronic Truant~~
20 ~~Adjudication,~~ as a chronic truant may be subject to a petition
21 for adjudication and adjudged a truant minor in need of
22 supervision, provided that prior to the filing of the
23 petition, the office of the regional superintendent of
24 schools, ~~the Office of Chronic Truant Adjudication,~~ or a

1 community truancy review board certifies that the local school
2 has provided appropriate truancy intervention services to the
3 truant minor and his or her family. For purposes of this
4 Section, "truancy intervention services" means services
5 designed to assist the minor's return to an educational
6 program, and includes but is not limited to: assessments,
7 counseling, mental health services, shelter, optional and
8 alternative education programs, tutoring, and educational
9 advocacy. If, after review by the regional office of
10 education,~~the Office of Chronic Truant Adjudication,~~ or
11 community truancy review board, it is determined the local
12 school did not provide the appropriate interventions, then the
13 minor shall be referred to a comprehensive community based
14 youth service agency for truancy intervention services. If the
15 comprehensive community based youth service agency is
16 incapable to provide intervention services, then this
17 requirement for services is not applicable. The comprehensive
18 community based youth service agency shall submit reports to
19 the office of the regional superintendent of schools,~~the~~
20 ~~Office of Chronic Truant Adjudication,~~ or truancy review board
21 within 20, 40, and 80 school days of the initial referral or at
22 any other time requested by the office of the regional
23 superintendent of schools,~~the Office of Chronic Truant~~
24 ~~Adjudication,~~ or truancy review board, which reports each
25 shall certify the date of the minor's referral and the extent
26 of the minor's progress and participation in truancy

1 intervention services provided by the comprehensive community
2 based youth service agency. In addition, if, after referral by
3 the office of the regional superintendent of schools,~~the~~
4 ~~Office of Chronic Truant Adjudication,~~ or community truancy
5 review board, the minor declines or refuses to fully
6 participate in truancy intervention services provided by the
7 comprehensive community based youth service agency, then the
8 agency shall immediately certify such facts to the office of
9 the regional superintendent of schools,~~the Office of Chronic~~
10 ~~Truant Adjudication,~~ or community truancy review board.

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

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

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

17 (a-4) For purposes of this Section, a "community truancy
18 review board" is a local community based board comprised of
19 but not limited to: representatives from local comprehensive
20 community based youth service agencies, representatives from
21 court service agencies, representatives from local schools,
22 representatives from health service agencies, and
23 representatives from local professional and community
24 organizations as deemed appropriate by the office of the
25 regional superintendent of schools,~~or, in cities of over~~
26 ~~500,000 inhabitants, by the Office of Chronic Truant~~

1 ~~Adjudication.~~ The regional superintendent of schools, ~~or, in~~
2 ~~cities of over 500,000 inhabitants, the Office of Chronic~~
3 ~~Truant Adjudication,~~ must approve the establishment and
4 organization of a community truancy review board, and the
5 regional superintendent of schools or his or her designee, ~~or,~~
6 ~~in cities of over 500,000 inhabitants, the general~~
7 ~~superintendent of schools or his or her designee,~~ shall chair
8 the board.

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

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

17 (1) committed to the appropriate regional
18 superintendent of schools for a student assistance team
19 staffing, a service plan, or referral to a comprehensive
20 community based youth service agency;

21 (2) required to comply with a service plan as
22 specifically provided by the appropriate regional
23 superintendent of schools;

24 (3) ordered to obtain counseling or other supportive
25 services;

26 (4) (blank); ~~subject to a fine in an amount in excess~~

1 ~~of \$5, but not exceeding \$100, and each day of absence~~
2 ~~without valid cause as defined in Section 26-2a of The~~
3 ~~School Code is a separate offense;~~

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

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

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

19 (c) Orders entered under this Section may be enforced by
20 contempt proceedings.

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