

1 AN ACT concerning truant minors.

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

4 Section 5. The Counties Code is amended by adding Section
5 5-1078.2 as follows:

6 (55 ILCS 5/5-1078.2 new)

7 Sec. 5-1078.2. Truants. A county board may adopt ordinances
8 to regulate truants within the unincorporated areas of its
9 jurisdiction. These ordinances may include fines for violators
10 and may provide for enforcement by citation. As used in this
11 Section, "truants" means persons who are within the definition
12 of "truant" in Section 26-2a of the School Code.

13 Section 10. The Illinois Municipal Code is amended by
14 adding Section 11-5-9 as follows:

15 (65 ILCS 5/11-5-9 new)

16 Sec. 11-5-9. Truants. The corporate authorities of any
17 municipality may adopt ordinances to regulate truants within
18 its jurisdiction. These ordinances may include fines for
19 violators and may provide for enforcement by citation. As used
20 in this Section, "truants" means persons who are within the
21 definition of "truant" in Section 26-2a of the School Code.

22 Section 15. The Juvenile Court Act of 1987 is amended by
23 changing Section 3-33 and by adding Section 3-33.5 as follows:

24 (705 ILCS 405/3-33) (from Ch. 37, par. 803-33)

25 Sec. 3-33. Truant minor in need of supervision in cities of
26 over 500,000 inhabitants ~~Minor in Need of Supervision. This~~
27 Section applies only to cities of over 500,000 inhabitants.

28 (a) Definition. A minor who is reported ~~by a regional~~

1 ~~superintendent of schools, or in cities of over 500,000~~
2 ~~inhabitants,~~ by the Office of Chronic Truant Adjudication, as a
3 chronic truant shall be adjudged a truant minor in need of
4 supervision.

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

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

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

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

13 (1) committed to the general ~~appropriate regional~~
14 superintendent of schools for a multi-disciplinary case
15 staffing, individualized educational plan or service plan,
16 or referral to comprehensive community-based youth
17 services;

18 (2) required to comply with an individualized
19 educational plan or service plan as specifically provided
20 by the general ~~appropriate regional~~ superintendent of
21 schools;

22 (3) ordered to obtain counseling or other supportive
23 services;

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

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

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

36 A dispositional order may include a fine, public service,

1 or suspension of a driver's license or privilege only if the
2 court has made an express written finding that a truancy
3 prevention program has been offered by the school, general
4 ~~regional~~ superintendent of schools, or a community social
5 service agency to the truant minor in need of supervision.

6 (c) Orders entered under this Section may be enforced by
7 contempt proceedings.

8 (Source: P.A. 90-143, eff. 7-23-97; 90-380, eff. 8-14-97;
9 90-590, eff. 1-1-99; 90-655, eff. 7-30-98.)

10 (705 ILCS 405/3-33.5 new)

11 Sec. 3-33.5. Truant minor in need of supervision outside
12 cities of over 500,000 inhabitants. This Section applies only
13 outside of cities of over 500,000 inhabitants.

14 (a) Definition. A minor who is reported by the office of
15 the regional superintendent of schools as a chronic truant may
16 be subject to a petition for adjudication and adjudged a truant
17 minor in need of supervision, provided that prior to the filing
18 of the petition, the office of the regional superintendent of
19 schools or a community truancy review board certifies that the
20 local school has provided appropriate truancy intervention
21 services to the truant minor and his or her family. For
22 purposes of this Section, "truancy intervention services"
23 means services designed to assist the minor's return to an
24 educational program, and includes but is not limited to:
25 assessments, counseling, mental health services, shelter,
26 optional and alternative education programs, tutoring, and
27 educational advocacy. If, after review by the regional office
28 of education or community truancy review board it is determined
29 the local school did not provide the appropriate interventions,
30 then the minor shall be referred to a comprehensive community
31 based youth service agency for truancy intervention services.
32 If the comprehensive community based youth service agency is
33 incapable or unwilling to provide intervention services, then
34 this requirement for services is not applicable. The
35 comprehensive community based youth service agency shall

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

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

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

20 (a-3) For purposes of this Section, "chronic truant" means
21 a minor subject to compulsory school attendance and who is
22 absent without valid cause from such attendance for 10% or more
23 of the previous 180 regular attendance days and has the meaning
24 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 but
27 not limited to: representatives from local comprehensive
28 community based youth service agencies, representatives from
29 court service agencies, representatives from local schools,
30 representatives from health service agencies, and
31 representatives from local professional and community
32 organizations as deemed appropriate by the office of the
33 regional superintendent of schools. The regional
34 superintendent of schools must approve the establishment and
35 organization of a community truancy review board and the
36 regional superintendent of schools or his or her designee shall

1 chair the board.

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

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

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

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

16 (3) ordered to obtain counseling or other supportive
17 services;

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

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

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

30 A dispositional order may include a fine, public service,
31 or suspension of a driver's license or privilege only if the
32 court has made an express written finding that a truancy
33 prevention program has been offered by the school, regional
34 superintendent of schools, or a comprehensive community based
35 youth service agency to the truant minor in need of
36 supervision.

1 (c) Orders entered under this Section may be enforced by
2 contempt proceedings.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.