



Sen. William R. Haine

Filed: 2/10/2006

09400SB2197sam002

LRB094 15606 RLC 55807 a

1 AMENDMENT TO SENATE BILL 2197

2 AMENDMENT NO. _____. Amend Senate Bill 2197 by replacing
3 the title with the following:

4 "AN ACT concerning truant minors."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Counties Code is amended by adding Section
8 5-1078.2 as follows:

9 (55 ILCS 5/5-1078.2 new)

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

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

18 (65 ILCS 5/11-5-9 new)

19 Sec. 11-5-9. Truants. The corporate authorities of any
20 municipality may adopt ordinances to regulate truants within
21 its jurisdiction. These ordinances may include fines for

1 violators and may provide for enforcement by citation. As used
2 in this Section, "truants" means persons who are within the
3 definition of "truant" in Section 26-2a of the School Code.

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

6 (705 ILCS 405/3-33) (from Ch. 37, par. 803-33)

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

10 (a) Definition. A minor who is reported ~~by a regional~~
11 ~~superintendent of schools, or in cities of over 500,000~~
12 ~~inhabitants,~~ by the Office of Chronic Truant Adjudication, as a
13 chronic truant shall be adjudged a truant minor in need of
14 supervision.

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

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

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

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

23 (1) committed to the general ~~appropriate regional~~
24 superintendent of schools for a multi-disciplinary case
25 staffing, individualized educational plan or service plan,
26 or referral to comprehensive community-based youth
27 services;

28 (2) required to comply with an individualized
29 educational plan or service plan as specifically provided
30 by the general ~~appropriate regional~~ superintendent of
31 schools;

32 (3) ordered to obtain counseling or other supportive

1 services;

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

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

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

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

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

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

24 (705 ILCS 405/3-33.5 new)

25 Sec. 3-33.5. Truant minor in need of supervision outside
26 cities of over 500,000 inhabitants. This Section applies only
27 outside of cities of over 500,000 inhabitants.

28 (a) Definition. A minor who is reported by the office of
29 the regional superintendent of schools as a chronic truant may
30 be subject to a petition for adjudication and adjudged a truant
31 minor in need of supervision, provided that prior to the filing
32 of the petition, the office of the regional superintendent of
33 schools or a community truancy review board certifies that the

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

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

34 (a-2) There is a rebuttable presumption that school records

1 of a minor's attendance at school are authentic.

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

7 (a-4) For purposes of this Section, a "community truancy
8 review board" is a local community based board comprised of but
9 not limited to: representatives from local comprehensive
10 community based youth service agencies, representatives from
11 court service agencies, representatives from local schools,
12 representatives from health service agencies, and
13 representatives from local professional and community
14 organizations as deemed appropriate by the office of the
15 regional superintendent of schools. The regional
16 superintendent of schools must approve the establishment and
17 organization of a community truancy review board and the
18 regional superintendent of schools or his or her designee shall
19 chair the board.

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

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

27 (1) committed to the appropriate regional
28 superintendent of schools for a student assistance team
29 staffing, a service plan, or referral to a comprehensive
30 community based youth service agency;

31 (2) required to comply with a service plan as
32 specifically provided by the appropriate regional
33 superintendent of schools;

34 (3) ordered to obtain counseling or other supportive

1 services;

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

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

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

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

21 (c) Orders entered under this Section may be enforced by
22 contempt proceedings.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.".