



Rep. Esther Golar

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LRB099 04632 NHT 33972 a

1 AMENDMENT TO HOUSE BILL 812

2 AMENDMENT NO. _____. Amend House Bill 812 by replacing
3 everything after the enacting clause with the following:

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

6 (105 ILCS 5/34-4.5)

7 Sec. 34-4.5. Chronic truants. In accordance with Section
8 26-13 of this Code, the board shall create a policy to address
9 chronic truancy. The chief executive officer shall biennially
10 review this policy beginning with the 2016-2017 school year.

11 ~~(a) Office of Chronic Truant Adjudication. The board shall~~
12 ~~establish and implement an Office of Chronic Truant~~
13 ~~Adjudication, which shall be responsible for administratively~~
14 ~~adjudicating cases of chronic truancy and imposing appropriate~~
15 ~~sanctions. The board shall appoint or employ hearing officers~~
16 ~~to perform the adjudicatory functions of that Office.~~

1 ~~Principals and other appropriate personnel may refer pupils~~
2 ~~suspected of being chronic truants, as defined in Section 26-2a~~
3 ~~of this Code, to the Office of Chronic Truant Adjudication.~~

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

17 ~~(c) Hearing. Once a pupil has been referred to the Office~~
18 ~~of Chronic Truant Adjudication, a hearing shall be scheduled~~
19 ~~before an appointed hearing officer, and the pupil and the~~
20 ~~pupil's parents or guardian shall be notified by certified~~
21 ~~mail, return receipt requested stating the time, place, and~~
22 ~~purpose of the hearing. The hearing officer shall hold a~~
23 ~~hearing and render a written decision within 14 days~~
24 ~~determining whether the pupil is a chronic truant as defined in~~
25 ~~Section 26-2a of this Code and whether the parent or guardian~~
26 ~~took reasonable steps to assure the pupil's attendance at~~

1 ~~school. The hearing shall be private unless a public hearing is~~
2 ~~requested by the pupil's parent or guardian, and the pupil may~~
3 ~~be present at the hearing with a representative in addition to~~
4 ~~the pupil's parent or guardian. The board shall present~~
5 ~~evidence of the pupil's truancy, and the pupil and the parent~~
6 ~~or guardian or representative of the pupil may cross examine~~
7 ~~witnesses, present witnesses and evidence, and present~~
8 ~~defenses to the charges. All testimony at the hearing shall be~~
9 ~~taken under oath administered by the hearing officer. The~~
10 ~~decision of the hearing officer shall constitute an~~
11 ~~"administrative decision" for purposes of judicial review~~
12 ~~under the Administrative Review Law.~~

13 ~~(d) Penalties. The hearing officer may require the pupil or~~
14 ~~the pupil's parent or guardian or both the pupil and the~~
15 ~~pupil's parent or guardian to do any or all of the following:~~
16 ~~perform reasonable school or community services for a period~~
17 ~~not to exceed 30 days; complete a parenting education program;~~
18 ~~obtain counseling or other supportive services; and comply with~~
19 ~~an individualized educational plan or service plan as provided~~
20 ~~by appropriate school officials. If the parent or guardian of~~
21 ~~the chronic truant shows that he or she took reasonable steps~~
22 ~~to insure attendance of the pupil at school, he or she shall~~
23 ~~not be required to perform services.~~

24 ~~(e) Non-compliance with sanctions. If a pupil determined by~~
25 ~~a hearing officer to be a chronic truant or the parent or~~
26 ~~guardian of the pupil fails to comply with the sanctions~~

1 ~~ordered by the hearing officer under subsection (c) of this~~
2 ~~Section, the Office of Chronic Truant Adjudication may refer~~
3 ~~the matter to the State's Attorney for prosecution under~~
4 ~~Section 3-33.5 of the Juvenile Court Act of 1987.~~

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

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

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

12 (705 ILCS 405/3-33.5)

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

14 (a) Definition. A minor who is reported by the office of
15 the regional superintendent of schools, or, in cities of over
16 500,000 inhabitants, by the school district ~~Office of Chronic~~
17 ~~Truant Adjudication,~~ as a chronic truant may be subject to a
18 petition for adjudication and adjudged a truant minor in need
19 of supervision, provided that prior to the filing of the
20 petition, the office of the regional superintendent of schools,
21 the school district ~~Office of Chronic Truant Adjudication,~~ or a
22 community truancy review board certifies that the local school
23 has provided appropriate truancy intervention services to the
24 truant minor and his or her family. For purposes of this

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

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

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

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

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

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

1 or, in cities of over 500,000 inhabitants, the school district
2 ~~Office of Chronic Truant Adjudication,~~ must approve the
3 establishment and organization of a community truancy review
4 board and the regional superintendent of schools or his or her
5 designee⁷ or, in cities of over 500,000 inhabitants, the
6 general superintendent of schools or his or her designee⁷ shall
7 chair the board.

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

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

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

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

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

25 (4) subject to a fine in an amount in excess of \$5, but
26 not exceeding \$100, and each day of absence without valid

1 cause as defined in Section 26-2a of The School Code is a
2 separate offense;

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

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

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

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

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