



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4240

by Rep. Mary E. Flowers - La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

105 ILCS 5/26-8	from Ch. 122, par. 26-8
105 ILCS 5/26-10	from Ch. 122, par. 26-10
105 ILCS 5/26-13	from Ch. 122, par. 26-13

Amends the Compulsory Attendance Article of the School Code. Provides that any person having custody or control of a child subject to the Article to whom notice has been given of the child's truancy and who knowingly and willfully permits such a child to persist in his or her truancy within that school year must complete a parent education course or undergo family counseling upon a finding by the school board of a violation (instead of providing that the person is guilty of a Class C misdemeanor and is subject to not more than 30 days imprisonment or a fine of up to \$500 or both upon conviction thereof). Makes related changes.

LRB099 12918 NHT 36772 b

FISCAL NOTE ACT
MAY APPLY

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

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

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

13 (105 ILCS 5/26-10) (from Ch. 122, par. 26-10)

14 Sec. 26-10. Noncompliance. ~~Fine for noncompliance.)~~ Any
15 person having custody or control of a child subject to the
16 provisions of this Article to whom notice has been given of the
17 child's truancy and who knowingly and willfully ~~wilfully~~
18 permits such a child to persist in his or her truancy within
19 that school year must complete a parent education course or
20 undergo family counseling upon a finding by the school board of
21 a violation of this Section, ~~upon conviction thereof shall be~~
22 ~~guilty of a Class C misdemeanor and shall be subject to not~~
23 ~~more than 30 days imprisonment and/or a fine of up to \$500.~~

24 (Source: P.A. 80-908.)

1 (105 ILCS 5/26-13) (from Ch. 122, par. 26-13)

2 Sec. 26-13. Absenteeism and truancy policies. School
3 districts shall adopt policies, consistent with rules adopted
4 by the State Board of Education, which identify the appropriate
5 supportive services and available resources which are provided
6 for truants and chronic truants and the persons having custody
7 or control of these children.

8 (Source: P.A. 84-1420.)