



Sen. William R. Haine

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09400SB2197sam001

LRB094 15606 RLC 55410 a

1 AMENDMENT TO SENATE BILL 2197

2 AMENDMENT NO. _____. Amend Senate Bill 2197 by replacing
3 everything after the enacting clause with the following:

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

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

7 Sec. 3-33. Truant Minor in Need of Supervision.

8 (a) Definition. Except in cities of over 500,000
9 inhabitants, a ~~A~~ minor who is reported by a regional
10 superintendent of schools, ~~or in cities of over 500,000~~
11 ~~inhabitants, by the Office of Chronic Truant Adjudication,~~ as a
12 chronic truant may be subject to a petition for adjudication as
13 ~~shall be adjudged~~ a truant minor in need of supervision,
14 provided that prior to the filing of the petition, the regional
15 superintendent certifies that the minor has been offered
16 truancy intervention services:

17 (1) provided and documented by a school district or
18 regional office of education prior to the minor being
19 absent without valid cause from compulsory school
20 attendance for 10% or more of the previous 180 regular
21 attendance days and that the services have not resulted in
22 at least a 20% reduction in absences from the time the
23 services were initially provided, specifying the date of
24 the minor's referral for services and the extent of the

1 minor's progress and participation in services; or

2 (2) provided by a comprehensive community based youth
3 service agency to which the minor has been referred by the
4 regional superintendent and the agency certifies that the
5 services provided and documented by the agency have not
6 resulted in at least a 20% reduction in absences from the
7 time the services were offered or the minor has refused to
8 fully participate in the services offered by the agency. If
9 the comprehensive community based youth service agency is
10 incapable or unwilling to provide the certification, then
11 this requirement of a certification under this clause
12 (a)(2) is not applicable. The comprehensive community
13 based youth service agency shall submit reports to the
14 regional superintendent within 30, 120, and 180 days of the
15 minor's referral, or at any other time requested by a
16 regional superintendent, which reports each shall certify
17 the date of the minor's referral and the extent of the
18 minor's progress and participation in truancy intervention
19 services provided by the comprehensive community based
20 youth service agency. In addition, if after referral by the
21 regional superintendent, the minor declines or refuses to
22 fully participate in truancy intervention services
23 provided by the comprehensive community based youth
24 service agency, then the agency shall immediately certify
25 such facts to the regional superintendent.

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

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

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

1 (a-4) For purposes of this Section, "truancy intervention
2 services" means services provided by a school district,
3 regional office of education, or a comprehensive community
4 based youth service agency that are designed to assist the
5 minor's return to an educational program, and includes
6 assessments, counseling, supportive services, optional and
7 alternative education programs, mental health services,
8 substance abuse treatment services, shelter, tutoring, and
9 educational advocacy.

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

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

17 (1) committed to the appropriate regional
18 superintendent of schools for a multi-disciplinary case
19 staffing, individualized educational plan or service plan,
20 or referral to comprehensive community-based youth
21 services;

22 (2) required to comply with an individualized
23 educational plan or service plan as specifically provided
24 by the appropriate regional superintendent of schools;

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

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

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

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

5 A dispositional order may include a fine, public service,
6 or suspension of a driver's license or privilege only if the
7 court has made an express written finding that a truancy
8 prevention program has been offered by the school, regional
9 superintendent of schools, or a comprehensive community based
10 youth ~~social~~ service agency to the truant minor in need of
11 supervision.

12 (c) Orders entered under this Section may be enforced by
13 contempt proceedings.

14 (Source: P.A. 90-143, eff. 7-23-97; 90-380, eff. 8-14-97;
15 90-590, eff. 1-1-99; 90-655, eff. 7-30-98.)".