



Sen. Kimberly A. Lightford

Filed: 3/13/2020

10100SB2332sam001

LRB101 16271 CMG 71476 a

1 AMENDMENT TO SENATE BILL 2332

2 AMENDMENT NO. _____. Amend Senate Bill 2332 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 26-8 and 34-4.5 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, may ~~shall~~ determine whether the
12 notice has been complied with. If 3 notices have been given and
13 the notices have not been complied with, and if the persons
14 having custody or control have knowingly and willfully ~~willfully~~
15 permitted the truant behavior to continue, the regional
16 superintendent of schools, or his or her designee, of the

1 school district where the child resides may ~~shall~~ conduct a
2 truancy hearing. If the regional superintendent determines as a
3 result of the hearing that the child is truant, the regional
4 superintendent may ~~shall~~, if age appropriate at the discretion
5 of the regional superintendent, require the student to complete
6 20 to 40 hours of community service over a period of 90 days.
7 If the truancy persists, the regional superintendent may ~~shall~~
8 (i) make complaint against the persons having custody or
9 control to the state's attorney or in the circuit court in the
10 county where such person resides for failure to comply with the
11 provisions of this Article or (ii) conduct truancy mediation
12 and encourage the student to enroll in a graduation incentives
13 program under Section 26-16 of this Code. If, however, after
14 giving the notice provided in Section 26-7 the truant behavior
15 has continued, and the child is beyond the control of the
16 parents, guardians or custodians, a truancy petition may ~~shall~~
17 be filed under the provisions of Article III of the Juvenile
18 Court Act of 1987.

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

20 (105 ILCS 5/34-4.5)

21 Sec. 34-4.5. Chronic truants.

22 (a) Socio-emotional focused attendance intervention ~~Office~~
23 ~~of Chronic Truant Adjudication~~. The chief executive officer or
24 his or her designee ~~board~~ shall implement a socio-emotional
25 focused attendance approach that targets the underlying causes

1 of chronic truancy. For each pupil identified as a chronic
2 truant, as defined in Section 26-2a of this Code, the board may
3 establish an individualized student attendance plan to
4 identify and resolve the underlying cause of the pupil's
5 chronic truancy. ~~establish and implement an Office of Chronic~~
6 ~~Truant Adjudication, which shall be responsible for~~
7 ~~administratively adjudicating cases of chronic truancy and~~
8 ~~imposing appropriate sanctions. The board shall appoint or~~
9 ~~employ hearing officers to perform the adjudicatory functions~~
10 ~~of that Office. Principals and other appropriate personnel may~~
11 ~~refer pupils suspected of being chronic truants, as defined in~~
12 ~~Section 26-2a of this Code, to the Office of Chronic Truant~~
13 ~~Adjudication.~~

14 (b) Notices. Prior to the implementation of any truancy
15 intervention services pursuant to subsection (d) of this
16 Section ~~Before any hearing may be held under subsection (e),~~
17 the principal of the school attended by the pupil or the
18 principal's designee shall notify the pupil's parent or
19 guardian by personal visit, letter, or telephone of each
20 unexcused absence of the pupil. After giving the parent or
21 guardian notice of the tenth unexcused absence of the pupil,
22 the principal or the principal's designee shall send the
23 pupil's parent or guardian a letter, by certified mail, return
24 receipt requested, notifying the parent or guardian that he or
25 she is subjecting himself or herself to truancy intervention
26 services ~~a hearing procedure~~ as provided under subsection (d)

1 ~~(c) and clearly describing any and all possible penalties that~~
2 ~~may be imposed as provided for in subsections (d) and (e) of~~
3 ~~this Section.~~

4 (c) (Blank). ~~Hearing. Once a pupil has been referred to the~~
5 ~~Office of Chronic Truant Adjudication, a hearing shall be~~
6 ~~scheduled before an appointed hearing officer, and the pupil~~
7 ~~and the pupil's parents or guardian shall be notified by~~
8 ~~certified mail, return receipt requested stating the time,~~
9 ~~place, and purpose of the hearing. The hearing officer shall~~
10 ~~hold a hearing and render a written decision within 14 days~~
11 ~~determining whether the pupil is a chronic truant as defined in~~
12 ~~Section 26-2a of this Code and whether the parent or guardian~~
13 ~~took reasonable steps to assure the pupil's attendance at~~
14 ~~school. The hearing shall be private unless a public hearing is~~
15 ~~requested by the pupil's parent or guardian, and the pupil may~~
16 ~~be present at the hearing with a representative in addition to~~
17 ~~the pupil's parent or guardian. The board shall present~~
18 ~~evidence of the pupil's truancy, and the pupil and the parent~~
19 ~~or guardian or representative of the pupil may cross examine~~
20 ~~witnesses, present witnesses and evidence, and present~~
21 ~~defenses to the charges. All testimony at the hearing shall be~~
22 ~~taken under oath administered by the hearing officer. The~~
23 ~~decision of the hearing officer shall constitute an~~
24 ~~"administrative decision" for purposes of judicial review~~
25 ~~under the Administrative Review Law.~~

26 (d) Truancy intervention services Penalties. The chief

1 executive officer or the chief executive officer's designee
2 ~~hearing officer~~ may require the pupil or the pupil's parent or
3 guardian or both the pupil and the pupil's parent or guardian
4 to do any or all of the following: ~~perform reasonable school or~~
5 ~~community services for a period not to exceed 30 days;~~ complete
6 a parenting education program; obtain counseling or other
7 supportive services; and comply with an individualized
8 educational plan or service plan as provided by appropriate
9 school officials. If the parent or guardian of the chronic
10 truant shows that he or she took reasonable steps to ensure
11 ~~insure~~ attendance of the pupil at school, he or she shall not
12 be required to perform services.

13 (e) Non-compliance with services ~~sanctions~~.
14 Notwithstanding any other provision of law to the contrary, if
15 ~~if~~ a pupil determined by the chief executive officer or the
16 chief executive officer's designee ~~a hearing officer~~ to be a
17 chronic truant or the parent or guardian of the pupil fails to
18 fully participate in the services offered ~~comply with the~~
19 ~~sanctions ordered by the hearing officer~~ under subsection (d)
20 ~~(e)~~ of this Section, the chief executive officer or the chief
21 executive officer's designee ~~Office of Chronic Truant~~
22 ~~Adjudication~~ may refer the matter to the Department of Human
23 Services, the Department of Healthcare and Family Services, or
24 any other applicable organization or State agency for
25 socio-emotional based intervention and prevention services.
26 Additionally, if the circumstances regarding a pupil

1 identified as a chronic truant reasonably indicate that the
2 pupil may be subject to abuse or neglect, apart from truancy,
3 the chief executive officer or his or her designee must report
4 any findings that support suspected abuse or neglect to the
5 Department of Children and Family Services pursuant to the
6 Abused and Neglected Child Reporting Act. A State agency that
7 receives a referral may enter into a data sharing agreement
8 with the school district to share applicable student referral
9 and case data. A State agency that receives a referral from the
10 school district shall implement an intake process that may
11 include a consent form that allows the agency to share
12 information with the school district. ~~the State's Attorney for~~
13 ~~prosecution under Section 3-33.5 of the Juvenile Court Act of~~
14 ~~1987.~~

15 (f) Limitation on applicability. Nothing in this Section
16 shall be construed to apply to a parent or guardian of a pupil
17 not required to attend a public school pursuant to Section
18 26-1.

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

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

22 (705 ILCS 405/3-33.5)

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

24 (a) Definition. A minor who is reported by the office of

1 the regional superintendent of schools, ~~or, in cities of over~~
2 ~~500,000 inhabitants, by the Office of Chronic Truant~~
3 ~~Adjudication,~~ as a chronic truant may be subject to a petition
4 for adjudication and adjudged a truant minor in need of
5 supervision, provided that prior to the filing of the petition,
6 the office of the regional superintendent of schools, ~~the~~
7 ~~Office of Chronic Truant Adjudication,~~ or a community truancy
8 review board certifies that the local school has provided
9 appropriate truancy intervention services to the truant minor
10 and his or her family. For purposes of this Section, "truancy
11 intervention services" means services designed to assist the
12 minor's return to an educational program, and includes but is
13 not limited to: assessments, counseling, mental health
14 services, shelter, optional and alternative education
15 programs, tutoring, and educational advocacy. If, after review
16 by the regional office of education, ~~the Office of Chronic~~
17 ~~Truant Adjudication,~~ or community truancy review board, it is
18 determined the local school did not provide the appropriate
19 interventions, then the minor shall be referred to a
20 comprehensive community based youth service agency for truancy
21 intervention services. If the comprehensive community based
22 youth service agency is incapable to provide intervention
23 services, then this requirement for services is not applicable.
24 The comprehensive community based youth service agency shall
25 submit reports to the office of the regional superintendent of
26 schools, ~~the Office of Chronic Truant Adjudication,~~ or truancy

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

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

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

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

23 (a-4) For purposes of this Section, a "community truancy
24 review board" is a local community based board comprised of but
25 not limited to: representatives from local comprehensive
26 community based youth service agencies, representatives from

1 court service agencies, representatives from local schools,
2 representatives from health service agencies, and
3 representatives from local professional and community
4 organizations as deemed appropriate by the office of the
5 regional superintendent of schools, ~~or, in cities of over~~
6 ~~500,000 inhabitants, by the Office of Chronic Truant~~
7 ~~Adjudication.~~ The regional superintendent of schools, ~~or, in~~
8 ~~cities of over 500,000 inhabitants, the Office of Chronic~~
9 ~~Truant Adjudication,~~ must approve the establishment and
10 organization of a community truancy review board, and the
11 regional superintendent of schools or his or her designee, ~~or,~~
12 ~~in cities of over 500,000 inhabitants, the general~~
13 ~~superintendent of schools or his or her designee,~~ shall chair
14 the board.

15 (a-5) Nothing in this Section shall be construed to create
16 a private cause of action or right of recovery against a
17 regional office of education ~~or the Office of Chronic Truant~~
18 ~~Adjudication,~~ its superintendent, or its staff with respect to
19 truancy intervention services where the determination to
20 provide the services is made in good faith.

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 appropriate regional
24 superintendent of schools for a student assistance team
25 staffing, a service plan, or referral to a comprehensive
26 community based youth service agency;

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

4 (3) ordered to obtain counseling or other supportive
5 services;

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

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

14 (6) (blank). ~~subject to having his or her driver's~~
15 ~~license or driving privilege suspended for a period of time~~
16 ~~as determined by the court but only until he or she attains~~
17 ~~18 years of age.~~

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

25 (c) Orders entered under this Section may be enforced by
26 contempt proceedings.

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