

## **DIVISION I – TRUANCY ORDINANCE**

**7-1-1**      **PURPOSE.** An Adams County Ordinance is created to prohibit chronic truancy in accordance with Illinois State Law **55 ILCS 5/5-1078.2**.

**7-1-2**      **DEFINITIONS.** As used in this Ordinance, unless the context requires otherwise, are the following words and phrases shall be defined as:

**"COURT"**, the 8<sup>th</sup> Judicial Circuit; **Adams County, Illinois**.

**"PARENT"** is defined as a person who is a natural parent, adoptive parent, or step-parent of another person.

**"GUARDIAN"**

- (A) a parent, or
- (B) a person who under court order is the guardian of a minor, or
- (C) a public or private agency with which the court has placed a minor.

**"TRUANT OFFICER"** is defined as any officer, appointee, employee, or other agent of any school district or any federal, state, or local government, entity, or any agency thereof performing the duties of a truant officer under the Illinois Compulsory Attendance Statute (**105 ILCS 5/26-1**).

**"TRUANCY REVIEW BOARD"** is defined as any agency or entity established by any school district or any federal, state, or local government entity or any counseling or social agency or any combination thereof recognized by the County and/or the court as an agent which provides service to improve educational performance and/or school attendance.

**"TRUANT"** is defined as a child subject to compulsory school attendance and who is absent without valid cause from such attendance for a school day or portion thereof.

**"VALID CAUSE"** for absence shall be illness, observance of a religious holiday, death in the immediate family, family emergency, and shall include such other situations beyond the control of the student as determined by the board of education in each district, or such other circumstances which cause reasonable concern to the parent for the safety or health of the student.

**"CHRONIC TRUANT"** is defined as a child subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days.

**"TRUANT MINOR"** is defined as a chronic truant ages 7 through 17 to whom supportive services, including prevention, diagnostic, intervention and remedial services, alternative programs, and other school and community resources have been provided and have failed to result in the cessation of chronic truancy, or have been offered and refused.

**7-1-3**      **GOVERNING OFFICE.** In accordance to **105 ILCS 5/34/4.5**, the county appoints the Regional Office of Education to establish and implement the newly created Office of Chronic Truant Adjudication. The Office of Chronic Truant Adjudication will govern the processes and operations of this ordinance. The Regional Office of Education will monitor and maintain fiscal records and reconcile monthly with the county's account for these revenues and expenditures. The Office of Chronic Truant Adjudication will be self-sustaining.

**7-1-4**      **ENFORCEMENT.**

(A)            No action on this Ordinance shall be made except on the signed complaint of the County's Truancy Officer, an officer of the County's Sheriffs Department, the Regional Superintendent of Schools, and/or the authorized designee of the established Office of Chronic Truant Adjudication.

(B)            A "Notice of Truancy" shall be sent by certified mail or delivered in person to the offending person(s) along with a summons to appear in front of a Truancy Review Board. The Truancy Review Board as designated by the established Office of Chronic Truant Adjudication shall convene to determine if the offense of truancy has been committed. The truancy notices shall be in writing and shall:

- (1)    state the name of the person being cited and the person's address, if known;
- (2)    set forth the specific section of this ordinance that was violated, the dates of the violation, and a brief description of the violation; and
- (3)    be signed by the issuing Police Officer, Truant Officer, or authorized complaining party, designee of the Office of Chronic Truant Adjudication.
- (4)    In each instance where a citation is issued to a minor for violation of this Ordinance, a minor's parents, custodian, or guardian shall be provided a copy of the citation notifying the parent, custodian, or guardian of the charge made against the minor.

(C) A minor cited in accordance with this Ordinance must attend a hearing of the Truancy Review Board on the citation and must be accompanied at the hearing by his or her parent, custodian, guardian, or other adult person having the legal care and custody of the minor. If any such person fails to attend any summoned hearing with the minor, unless the interest of justice would be served, the truancy offense will be directed to the State’s Attorney’s Office and a Truant in Need of Supervision petition will be requested. Failure of the person to thereafter appear shall subject said person to sanctions for contempt of court as determined by the court.

**7-1-5      PENALTY.**

(A) Any person who violates any provision of this Ordinance shall be fined an amount not to exceed **One Hundred Dollars (\$100.00)**. A separate offense shall be deemed to have been committed upon each 18 truant school day periods on which such violation occurs or continues.

(B) In lieu of or in addition to a fine, a minor may be ordered to attend counseling or to perform **ten (10) hours** of board approved community service during times other than the minor’s hours of school attendance. The minor’s parent, custodian, guardian, or other adult having legal care or custody of the minor may be ordered to attend a parenting class or series of parenting classes and/or other counseling as recommended by the Truancy Review Board or to attend any program directly related to improving school attendance and/or performance.

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