

ORDINANCE 13-91

An ordinance of the County of Effingham addressing truancy in Effingham County.

Whereas, the Effingham County Board has determined that truancy has become a problem in Effingham County; and,

Whereas, the Effingham County Board has determined that it is in the best interest of the community that students of school age attend school pursuant to Illinois law; and,

Whereas, the Effingham County Board feels it is important to assist the school districts in Effingham County in controlling truancy; and,

Whereas, the Effingham County Board has recommended a truancy ordinance be issued governing truancy in Effingham County; and,

Whereas, 55 ILCS 5/5-1078.2, of the *Illinois County Code, Illinois Compiled Statutes*, as amended, authorizes a County to adopt ordinances to regulate truants within its jurisdiction. The ordinances may consist of a graduated fine schedule for repeat violations, which may not exceed one hundred dollars (\$100.00), or community service, or both, for violators thirteen (13) years of age or older. If the violator is under thirteen (13) years of age, the violator's parent(s), guardian(s) or legal custodian(s) are subject to the fine or community service, or both. Enforcement may be provided for through citations or administrative hearings as determined by ordinance; and,

NOW, THEREFORE, BE IT ORDAINED BY THE EFFINGHAM COUNTY BOARD, EFFINGHAM COUNTY, ILLINOIS:

SECTION #1 PURPOSE:

The purpose of this Section is to promote youth and public health, safety, and welfare by requiring any person who is required by law to attend school and who is subject to the compulsory attendance requirement of the Illinois School Code, and enrolled in grades 1 through 12 in a public, private, or parochial school, to first obtain permission from his or her parent(s), guardian(s), or legal custodian(s), or his or her school authorities before absenting himself or herself from attendance at a school during the hours in which he or she is enrolled.

SECTION #2 CHRONIC TRUANT:

Any minor who falls within the definition of a "chronic truant" assigned such minors under Section 26-2a of the *Illinois School Code*, 105 ILCS 5/26-2a, and Section 3-33.5(a-3) of the *Juvenile Court Act of 1987*, 705 ILCS 405/3-33/5(a-3). These sections define a "chronic truant"

as "any minor subject to compulsory school attendance for five percent (5%) or more of the previous one hundred eighty (180) regular attendance days".

SECTION #3 TRUANCY PROHIBITED:

It shall be unlawful for any person within Effingham County who is required by law to attend school and who is subject to the compulsory attendance requirement of the Illinois School Code and enrolled in grades 1 through 12 in a public, private, or parochial school to absent himself or herself from attendance at school during the hour in which he or she is enrolled, including summer school, without permission of such student's school authorities. Any person who does not attend school when it is in regular session shall be guilty of truancy.

SECTION #4 EXEMPTIONS TO TRUANCY:

A minor's absence from school will not be considered truancy, as long as, one of the following exemptions is established:

- (A) The minor is accompanied by his or her parent(s), guardian(s) or legal custodian(s), or other adult person(s) having the legal care or custody of the minor;
- (B) The minor is going to or returning directly from a medical appointment;
- (C) The minor has permission to leave campus and said minor has in his or her possession a valid, school-issued off campus permit;
- (D) The minor is going to or returning directly from a public meeting, or place of public entertainment, such as a movie, play, sporting event, dance or school activity, provided such meeting, event or activity is a school approved activity for the minor or is otherwise supervised by school personnel of said minor's school;
- (E) The presence of the minor in said place or places is connected with or required by a school approved or school related business, trade, profession or occupation in which said minor is lawfully engaged;
- (F) When the minor is exempt by law from compulsory education or compulsory continuation education;
- (G) The minor is emancipated pursuant to law;
- (H) The minor is engaged in an activity protected by the United States or Illinois Constitutions;

(I) Those defenses and exemptions as set forth in the Illinois School Code for compulsory attendance or enrollment in school are incorporated herein by reference and shall be exceptions herein.

SECTION #5 ENFORCEMENT AND ESTABLISHMENT OF COMMUNITY ACCOUNTABILITY BOARD (CAB):

- (A) Truants will be initially identified and processed according to the students' school and/or school district policy. School policies typically include a graduated intervention process including telephone and written notices to the parent(s), guardian(s) or legal custodian(s); school conferences consisting of school officials, the student and their parent(s), guardian(s) or legal custodian(s).
- (B) Following the exhaustion of a school district's graduated intervention process, truants and their parent(s), guardian(s) or legal custodian(s) will be referred to the Community Accountability Board (CAB).
- (C) The CAB shall be established consisting of the Truancy Officer For the Regional Office of Education for Bond-Fayette-Effingham, the Executive Director of CASA (Court Appointed Special Advocates) of Effingham County or the CASA Director's designee, a representative member from the Effingham County Board, and an at-large member (who is not a county board member) appointed by the Effingham County Board.
- (D) The functions, responsibilities, and powers of the Community Action Board Shall be as follows:
 - (i) CAB shall function as a community based supportive coalition to help truants and their parent(s), guardian(s) or legal custodian(s) identify and asses the factors contributing to a student's truant behavior. Further, the CAB shall meet on an as needed basis.
 - (ii) Continued student truancy and failure to participate in CAB efforts may result in a violation of this Ordinance. "Failure to Participate" means: (a) missing more than one (1) scheduled CAB meeting by the truant student and his or her parent(s), guardian(s) or legal custodian(s); or (b) failing to comply with the agreed upon CAB recommendations with the specified time frame.

- (iii) The CAB has the power handle truancy violations administratively by administering fines and/or requiring public service work following an administrative hearing. Also, the CAB has the power to refer truancy matters to the State's Attorney's Office for prosecution in the Court System.

SECTION #6 PENALTIES:

A truant who is thirteen (13) years of age or older, or his or parent(s), guardian(s), or legal custodian(s), but not both, who violate the provisions of this Section is subject to a fine of up to one hundred dollars (\$100.00) for each violation and/or subject to 50 hours of public service work for each violation. The parent(s), guardian(s), or legal custodian(s) of a truant who is under thirteen (13) years of age is subject to a fine of up to one hundred dollars (\$100.00) for each violation and/or subject to 50 hours of public service work for each violation, if the minor, or his or her parent(s), guardian(s) or legal custodian(s), violate the provisions of this Section.

SECTION #7 DISTRIBUTION OF ORDINACE FINES:

The Fines collected by this Ordinance shall be divided equally between the school district impacted by the violation and the Effingham County Government.

SECTION #8: SEVERABILITY:

If any terms, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Effingham County Board that it would have enacted this ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provisions which had been held invalid is no longer valid, said provision shall thereupon return to full force and shall thereafter be binding.

SECTION #9: EFFECTIVE DATE:

This ordinance shall be in full force and effective upon passage by the Effingham County Board.

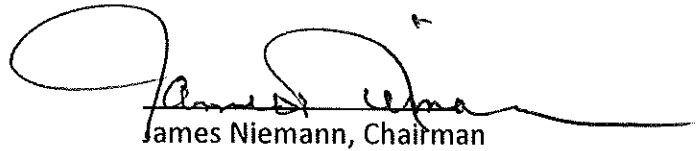
Passed by the Effingham County Board this 19~~th~~ day of August, 2013

Attest:

Approved by the Effingham County Board this 19~~th~~ day of August, 2013

(seal)


Kerry Hirtzel, County Clerk


James Niemann, Chairman
Effingham County Board