

## CHAPTER 130: TRUANCY

### Section

- 130.01 Purpose
- 130.02 Chronic truant
- 130.03 Truancy prohibited
- 130.04 Valid cause for absence
- 130.05 Enforcement
- 130.06 Distribution of ordinance fines
  
- 130.99 Penalty

### **§ 130.01 PURPOSE.**

Absenteeism from school by students under the age of 17 has become a significant problem, and in many instances police records establish that persons over the age of six and under the age of 17 who are frequently absent from school become involved in offenses of vandalism, drug abuse, alcohol consumption, disorderly conduct, and other offenses constituting crimes in the State of Illinois. The purpose of this chapter is to take appropriate action to cause a reduction in absenteeism from school by students over the age of six and under the age of 17.

(Ord. 14-32, passed 5-19-2014; Ord. 18-63, passed 7-16-2018)

### **§ 130.02 CHRONIC TRUANT.**

Any minor who fails within the definition of a "chronic truant" assigned such minors under § 26-2a of the Illinois School Code, 105 ILCS 5/26-2a, and § 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 5% or more of the previous 180 regular attendance days."

(Ord. 14-32, passed 5-19-2014; Ord. 18-63, passed 7-16-2018)

### **§ 130.03 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.

(Ord. 14-32, passed 5-19-2014; Ord. 18-63, passed 7-16-2018) Penalty, see § 130.99

#### **§ 130.04 VALID CAUSE FOR ABSENCE.**

*VALID CAUSE FOR ABSENCE* is hereby defined as illness, observation of a religious holiday, death in the immediate family, family emergency, and/or other such situations beyond the control of the Effingham County student, as determined by the Board of Education of the Effingham County School District in which the student is enrolled, or such other circumstances which cause reasonable concern to the parent/guardian for the safety or health of the Effingham County student.

(Ord. 14-32, passed 5-19-2014; Ord. 18-63, passed 7-16-2018)

#### **§ 130.05 ENFORCEMENT.**

(A) The Truant Officers of any Effingham County School District or of the Bond-Christian-Effingham-Fayette-Montgomery Counties Regional Office of Education #3, the Sheriff and Deputy Sheriffs of Effingham County, and any other law enforcement office of any city, village, or political subdivision within Effingham County, are hereby empowered to enforce this chapter by the issuance of tickets, specifying the date and time of violation, and the Effingham County School District of enrollment of the truant Effingham County student, and are hereby given discretion to determine whether the violation shall be dealt with by the issuance of a written or verbal warning or by the issuance of a ticket, and whether such ticket may be disposed of by the payment of the minimum required fine to the Circuit Clerk of Effingham County, or whether a Court appearance will be required.

(B) All tickets issued hereunder shall be delivered by the issuing officer to the Effingham County Circuit Clerk, who shall assign to the same a case number for each ticket and shall notify both the State's Attorney, the issuer and the offender of all Court dates for each ticket.

(C) Upon the issuance of a ticket hereunder, a violation of this chapter shall be prosecuted by the State's Attorney as a petty offense, pursuant to the Illinois Code of Criminal Procedure. All tickets issued hereunder must be prosecuted within 12 months of issuance.

(Ord. 14-32, passed 5-19-2014; Ord. 18-63, passed 7-16-2018)

#### **§ 130.06 DISTRIBUTION OF ORDINANCE FINES.**

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

(Ord. 14-32, passed 5-19-2014; Ord. 18-63, passed 7-16-2018)

**§ 130.99 PENALTY.**

(A) It shall be unlawful for any Effingham County student to be absent from attendance without valid cause for absence, for all of any part of a school day in the Effingham County School District in which the Effingham County Student is enrolled. It is the responsibility of the parent/guardian who has custody or control of any child between the ages of six and 17 to cause that child to: (1) enroll in one of the Effingham County School Districts (thereby becoming an Effingham County student); and (2) attend some public school in the district wherein that child/Effingham County student resides the entire time it is in session during the regular school term, and/or any summer or other special term in which the Effingham County student may be enrolled. Any Effingham County student violating, or parent/guardian of an Effingham County student violating the terms of the chapter, which shall be punished as a petty offense, shall be subject to the following fines, not to exceed the limitations set forth in 55 ILCS 5/5-1078.2.

(1) A fine of not less than \$50 shall be imposed for the first violation by a student during a given school year;

(2) A fine of not less than \$75 shall be imposed for the second violation by a student during a given school year; and

(3) A fine of not less than \$100 shall be imposed for the third or subsequent violation by a student during a given school year.

(B) Each day, or portion thereof, upon which a violation occurs shall constitute a separate violation, with each separate violation being subject to a separate penalty, as provided herein.

(C) Both an Effingham County student, and that student's parent/guardian, may be charged and convicted with the violation of the chapter when the student shall be found to be in violation of the chapter. However, the payment of all applicable fines imposed against the Effingham County student or the parent/guardian for a given violation by either the parent/guardian or the Effingham County student shall operate to relieve the non-paying party from any obligation to pay fines arising from the same violation.

(D) No conviction shall be entered or fine imposed upon any student or parent/guardian for the violation of this chapter where such student is:

(1) Attending a parochial or private school for the entire time it is in session during its regular school term; or

(2) Attending or otherwise participating in an alternative education or home school program for the entire time such program shall be in session or operation.

(Ord. 14-32, passed 5-19-2014; Ord. 18-63, passed 7-16-2018)