

## MACOUPIN COUNTY ORDINANCE

### TRUANCY

#### SECTION 1: Purpose

Absenteeism from school by students under the age of 18 has become a significant problem, and in many instances police records establish that persons under the age of 18 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 Ordinance is to take appropriate action to cause a reduction in absenteeism from school by students under the age of 18.

#### SECTION 2: Definitions

For purposes of the Ordinance, the following terms are defined as set forth below:

- (a) **MACOUPIN COUNTY SCHOOL DISTRICT.** Macoupin County School District is hereby defined to be one or more of the following school districts situated in Macoupin County, Illinois:
  - Carlville Community Unit School District No. 1
  - Northwestern Community Unit School District No. 2
  - North Mac Community Unit School District No. 34
  - Mt. Olive Community Unit School District No. 5
  - Staunton Community Unit School District No. 6
  - Gillespie Community Unit School District No. 7
  - Bunker Hill Community Unit School District No. 8
  - Southwestern Community Unit School District No. 9
- (b) **MACOUPIN COUNTY STUDENT.** A Macoupin County Student is hereby defined to be a student under the age of 18 enrolled in one of the Macoupin County School Districts.
- (c) **PARENT/GUARDIAN.** Parent/Guardian is hereby defined to be the natural, legal guardian or other person having custody or control of a Macoupin County Student.
- (d) **TRUANT OFFICER.** Truant Officer is hereby defined to be a Truant Officer employed by one or more of the Macoupin County School Districts, or by the Calhoun, Greene, Jersey & Macoupin Regional Office of Education, under 105 ILCS 5/3-13.
- (e) **TRUANT.** A Truant is hereby defined as a Macoupin County Student who is absent from attendance in school without valid cause for such absence.
- (f) **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 Macoupin County Student, as determined by the Board of Education of the Macoupin 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 Macoupin County Student.
- (g) **CHRONIC OR HABITUAL TRUANT.** A Chronic or Habitual Truant is hereby defined as a Macoupin County Student between the ages of 7 and 16 years of age who is absent without valid cause from attendance for 10% or more of the previous 180 regular attendance days in school.

### SECTION 3: Violation and Penalties

- (a) It shall be unlawful for any Macoupin County Student to be absent from attendance, without valid cause for absence, for all or any part of a school day in the Macoupin County School District in which the Macoupin County Student is enrolled. It is the responsibility of the Parent/Guardian who has custody or control of any child between the ages of 7 and 16 to cause that child to: (1) enroll in one of the Macoupin County School Districts (thereby becoming a Macoupin County Student); and (2) attend some public school in the district wherein that child/Macoupin County Student resides the entire time it is in during the regular school term, and/or any summer or other special term in which the Macoupin County Student may be enrolled. Any Macoupin County Student violating, or Parent/Guardian of a Macoupin County Student violating, the terms of this Ordinance, 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 5/5-1113 upon conviction:
1. A fine of not less than \$25.00 shall be imposed for the first violation by a student during a given school year.
  2. A fine of not less than \$50.00 shall be imposed for the second violation by a student during a given school year.
  3. A fine of not less than \$100.00 shall be imposed for the third violation by a student during a given school year.

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.

- (b) Both a Macoupin County Student, and that student's Parent/Guardian, may be charged and convicted with the violation of this Ordinance when the student shall be found to be in violation of this Ordinance. However, the payment of all applicable fines imposed against with the Macoupin County Student or the Parent/Guardian for a given violation by either the Parent/Guardian or the Macoupin County Student shall operate to relieve the non-paying party from any obligation to pay fines arising from the same violation.
- (c) No conviction shall be entered or fine imposed upon any student or Parent/Guardian for the violation of this Ordinance 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 schooling program for the entire time such program shall be in session or operation.



#### **SECTION 4: Enforcement**

- (a) The Truant Officers of any Macoupin County School District or of the Calhoun, Greene, Jersey & Macoupin Regional Office of Education, the Sheriff and Deputy Sheriffs of Macoupin County, and any other law enforcement officer of any city, village or political subdivision within Macoupin County, together with any other law enforcement officer lawfully exercising jurisdiction within Macoupin County, are hereby empowered to enforce this Ordinance by the Issuance of tickets, specifying the date and time of violation, and the Macoupin County School District or enrollment of the Truant Macoupin 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 Macoupin County, or whether a Court appearance will be required.
- (b) All tickets issued hereunder shall be delivered by the issuing officer to the Macoupin 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 Ordinance 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.

#### **SECTION 5: Operation**

The terms and provisions of this Ordinance shall be in addition to, not in substitution for or in replacement of, any provisions, laws or regulations concerning truancy (including, but not limited to 105 ILCS 5/26-7 through 5/26-8(b), 5/26-10, 5/26-11 and 105 ILCS 405/3-33), except that this Ordinance shall supersede an and all Truancy Ordinances previously enacted by the Macoupin County Board.

#### **SECTION 6: Implementation**

This Ordinance shall be effective upon its lawful adoption by the County Board of Macoupin County, Illinois, and the Board of Education of one or more of the Macoupin County School Districts. The Ordinance shall be binding upon each Macoupin County School District when adopted and approved by the Board of Education for that Macoupin County School District. If any one or more of the Boards of Education of the Macoupin County School Districts fail or decline to adopt this Ordinance, such failure or declination shall not effect the enforcement of the Ordinance within those Macoupin County School Districts wherein their Boards of Education have adopted this Ordinance. The Ordinance may also be adopted and approved by any city or village situated within any Macoupin County School District, with the understanding that the failure or declination of any city or village to adopt this Ordinance shall not effect the enforcement of this Ordinance if it adopted by the County Board of Macoupin County and the Board of Education for The Macoupin County School District within which the city or village is situated. The adoption and implementation of the terms of this Ordinance shall be deemed an intergovernmental agreement under 5 ILCS 220/3 and related statutes.