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Attorneys at Law

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SCHOOL LAW GROUP

School Code Amended To Limit Punishments For Truancy, Expand Valid Cause For Absence and Prohibit Denial of Enrollment Based on Academic Failure

Public Act 100-810 changes the School Code to add a requirement that school districts are to make reasonable efforts to train staff and board members in the appropriate and available supportive services for the promotion of student attendance and engagement. The Public Act also amends the definition of “valid cause” for absence from school. The definition of “valid cause” now also has been amended to expressly include “reasonable concern of the parent for the mental, emotional, or physical health or safety” of the student. Finally, the Public Act creates requirements regarding the provision of appropriate and available services for certain classes of students prior to the imposition of any punishment for truancy.

Public Act 100-825 changes the School Code to eliminate academic failure as a basis for denying a student over 17 years of age continued enrollment or reenrollment in the School District. This Public Act also provides that a truant cannot be expelled for nonattendance unless accruing 15 consecutive days of absences without valid cause and the student either cannot be located or the school district has been unsuccessful, after exhausting all available support services, in getting the student to return to school.

Public Act 100-810 is effective January 1, 2019. The full text is available at:

[Public Act 100-810](#)

Public Ac 100-825 became effective August 13, 2018. The full text is available at:

[Public Act 100-825](#)

A more detailed summary of Public Act 100 – 810 is set forth hereinafter.

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Summary of P.A. 100 – 810 Changes

Public Act 100-810 (“Act”) changes the School Code to add a requirement that, in addition to the current requirement for training school staff and board members on effective classroom management strategies and the adverse consequences of out-of-school suspension and expulsion, school districts are also to make reasonable efforts to train staff and board members in the appropriate and available supportive services for the promotion of student attendance and engagement. The Act also amends the definition of “valid cause” for absence from school. Valid cause for an absence was illness, religious holiday, death in family, family emergency, circumstances beyond control of student (as determined by board of education or circumstances which caused reasonable parent concern for the physical safety of their child. The definition of “valid cause” now also includes “reasonable concern of the parent for the mental, emotional, or physical health or safety” of the student. Finally, the Act creates requirements regarding the provision of appropriate and available services for certain classes of student prior to the imposition of any punishment for truancy.

The truancy provisions of the School Code now limit the use of punishment by schools for student truancy. The amendment provides that no disciplinary action can be taken against truant for such truancy unless appropriate and available supportive services and other school resources have first been provided to the student.

School districts now are not allowed to refer a truant minor to any other public entity for the issuance of a fine or fee as punishment for their truancy. School districts are also not allowed to refer the parent of a truant minor to any other public entity for the issuance of a fine or fee due to their child’s truancy, unless The school district or regional office of education has first been notified and has offered all appropriate and available supportive services and other school resources.

Before a school can refer a parent to the local municipality for the imposition of any fine or fee, the school must first take certain steps and provide the following appropriate and available services:



For homeless students, the school must convene a meeting between the student, parent, relevant school personnel and a homeless liaison to discuss any barriers to the child's attendance due to the student's living situation and develop a plan that removes the barriers.

For any disabled student with a 504 plan or IEP, the school must convene an IEP or 504 meeting with the student, parent and relevant school personnel to review the appropriateness of the student's current services and placement.

For any student who is being evaluated or that the district has information about which would lead the district to conclude the student may be disabled, the evaluation must first be completed and any services provided.

Before referring a parent to another public entity for their child's truancy, the school district must document any appropriate and available supportive services the District offered to the child. If none of the meetings required above occur, the school district must have documentation that it made reasonable efforts to convene the meeting at a mutually convenient date and time with the parent and that the parent did not cooperate.

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