

Effective Date: December 17, 2010

7/1/2010
11/1/10

51-O-10

AN ORDINANCE

**Amending the Evanston City Code by
Adding to Title 9, "Public Safety," Chapter 6, "Minors,"
a New Section 5, "Community Accountability Truancy Program"**

WHEREAS, the City of Evanston is a home-rule municipality pursuant to Article VII of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the City has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health and safety, and the welfare of its residents; and

WHEREAS, truancy is a significant concern in the City of Evanston, students who are absent from school without a valid excuse are not receiving the education they need to lead productive lives and become productive citizens and contributors to our community; and

WHEREAS, the nature of juvenile activities, misconduct and crime within Evanston have been an ongoing concern repeatedly expressed over the years by the Evanston Community and, due to the fact that the link between truancy and delinquency is widely recognized, the relationship between truancy and students involved in problematic conduct and criminal activities in our community must be addressed; and

WHEREAS, school and other municipal officials have been frustrated in attempts to combat juvenile misconduct and gang-related influence upon juveniles, truancy is a serious contributing factor to the development of such problems. Expeditious and early intervention is necessary in order to intervene and prevent

truancy problems before such behavior has the opportunity to escalate to crime within the community; and

WHEREAS, due to City budget constraints, the Evanston Police Department must expend its already overburdened resources to supervise and manage juvenile misconduct and juvenile crime that could be reduced if all school-aged youth were attending school and engaged in school-related work and activities; and

WHEREAS, truants are initially identified and processed according to the student's school and/or school district policy. School policies typically include a graduated intervention process which includes telephone and written notices to the student's 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); and finally, a Truancy Officer may refer the case to the Cook County Regional Office of Education (ROE); and

WHEREAS, following the exhaustion of a school or 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). The CAB will be facilitated by school staff and be comprised of local community members and service providers intended to provide a more effective response to the needs of truants and consequently improve the lives and productivity of youth, families and, ultimately, the community. The CAB will function as a community-based coalition in which truants and their families will be supported to identify and assess the factors contributing to a student's truant behavior resulting in a plan to deter further truancy; and

WHEREAS, Article 11, Division 5 of the *Illinois Municipal Code, Illinois Compiled Statutes*, as amended, Ch. 65, Section 5/11-5-9, authorizes a municipality 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

WHEREAS, the above noted truancy interventions regarding school policies and procedures and the proposed Community Accountability Truancy Program are always the first and most desirable responses to truancy, and are intended to enhance community safety through a coalition of school district personnel, families, community members, and service providers. It is understood that not all truants and/or their parent(s), guardian(s) or legal custodian(s) are responsive to such intervention attempts. Therefore, this ordinance is meant to provide an incentive for compliance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Title 9, "Public Safety," Chapter 6, "Minors," of the Evanston City Code of 1979, as amended, is hereby further amended by adding a new Section 5, "Community Accountability Truancy Program," to read as follows:

9-6-5: COMMUNITY ACCOUNTABILITY TRUANCY PROGRAM

9-6-5-1 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 (including a home school), 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.

9-6-5-2 DEFINITIONS:

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 and who is absent without valid cause from such attendance for ten percent (10%) or more of the previous one hundred eighty (180) regular attendance days".

CHIEF OF POLICE: The Chief of the City of Evanston Police Department or his or her designee.

EMERGENCY: An unforeseen combination of circumstances or the resulting state that calls for immediate actions. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

POLICE DEPARTMENT: The City of Evanston Police Department.

SCHOOL HOURS: As designated by a student's school district during weekdays (Monday through Friday), except when a weekday falls on a holiday.

STUDENT: 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.

TRUANCY OFFICER: Designated school district personnel responsible for informing the student's parent(s), guardian(s) or legal custodian(s) of truancy, identifying chronic truancy, referring chronic truants to the CAB, and issuing truancy violation notices.

TRUANT: A student who is absent from school without valid cause.

VALID CAUSE: For absence of attendance at school during enrollment hours includes illness, observance of 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(s), guardian(s) or legal custodian(s) for the safety and health of the student.

9-6-5-3 TRUANCY PROHIBITED:

(A) It shall be unlawful for any person who is required by law to attend school and who is subject to the compulsory attendance requirements of the *Illinois School Code* and enrolled in grades 1 through 12 in a public, private (including a home school), or parochial school to absent himself or herself from attendance at school during the hours in which he or she is enrolled, including summer school, without permission from the student's parent(s), guardian(s) or legal custodian(s), or the permission of such student's school authorities.

9-6-5-4 EXEMPTIONS:

(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 (including home school), 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.

9-6-5-5: ENFORCEMENT:

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); and finally, a Truancy Officer may refer the case to the Cook County Regional Office of Education (ROE).

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). CAB will be facilitated by school staff including related community service providers and any significant community members, and function as a community based supportive coalition to help truants and their parent(s), guardian(s) or legal custodian(s) identify and assess the factors contributing to a student's truant behavior.

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 within the specified time frame.

Authority to issue a violation of this Section shall be vested in the Chief of Police and/or his or her designee, and/or the school district Superintendent and/or his or her designee, such as a School Truancy Officer.

9-6-5-6: PENALTY:

The parent(s), guardian(s), or legal custodian(s) of a truant is subject to a fine of up to one hundred dollars (\$100.00) if the minor, or his or her parent(s), guardian(s) or legal custodian(s), violate the provisions of this Section.

9-6-5-7: SEVERABILITY:

If any provision of this Chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Chapter that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Chapter is severable.

SECTION 2: That the foregoing recitals are found as fact and made a part hereof.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That this Ordinance 51-O-10 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: November 8, 2010

Approved:

Adopted: November 22, 2010

December 3, 2010

Elizabeth B Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, City Attorney

