

Section 1. Definitions

TRUANT: A child subject to compulsory school attendance and who is absent without valid cause from such attendance for a school day or portion thereof.

VALID CAUSE: An affirmative defense for an absence shall be an illness, the observance of a religious holiday, a death in the immediate family, a 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 for the safety or health of the student.

Section 2. Regulations

- A. Truancy Prohibited. It shall be unlawful for any person eighteen (18) years of age or younger who is required by law to attend school and who is subject to the compulsory attendance requirements of the Illinois School Code and/or enrolled in a public, private (including home school) or parochial school within the unincorporated areas of Lake County, Illinois, to absent himself or herself from attendance at school during the hours in which he or she is enrolled without a valid cause or parental or school permission.
- B. Parental Responsibility. It shall be unlawful for any parent, legal guardian or other person to permit a child who is in his or her custody or control to commit the offense of truancy as provided for in Section 2(A).
- C. Contributing to Truancy. It shall be unlawful for any person to perform any act of commission or omission which act or omission encourages or contributes to the truancy of any person as provided for in Section 2(A).

Section 3. Enforcement

This Ordinance shall be enforced by the Lake County Sheriff or his or her designee(s) and proceed either through a citation and notice to appear before the 19th Judicial Circuit Court or through administrative adjudication pursuant to the Lake County Administrative Adjudication Ordinance. (§§94.50 – 94.66).

Section 4. Penalty

Proposed Lake County Truancy Ordinance

A. Any person who violates or assists in the violation of any provision of this ordinance shall be deemed to have committed an ordinance violation and shall be fined as set forth below. Each twenty-four hour period in which, or during which, a violation occurs shall constitute a separate offense.

B. *Lake County Sheriff's Office Citation.* If the Ordinance violation is cited for enforcement before the 19th Judicial Circuit, the fine amount shall be as follows:

(1) Truants under ten (10) years of age: The parent, guardian or custodian of the truant is subject to a fine or community service, or both.

(a) Fine for First Offense: Not to exceed \$50.00.

(b) Fine for Second and Subsequent Offenses: Not to exceed \$100.00.

(2) Truants between the age of ten (10) and under seventeen (17) are subject to the following fines:

(a) Fine for First Offense: Not to exceed \$50.00.

(b) Fine for Second Offense and Subsequent Offenses: Not to exceed \$100.00.

(3) Persons over the age of eighteen (18) who contribute to truancy and violate their parental responsibility (Section 2. B) shall be deemed to have committed an ordinance violation and shall be fined as set forth below. Each twenty-four hour period in which, or during which, a violation occurs shall constitute a separate offense.

(a) The first violation of this Section shall be punishable by a fine of no less than \$250.00.

(b) A second violation of this Section by the same Parent or Person, within a twelve month period shall be punishable by a fine of no less than \$500.00.

(c) A third or subsequent violation of this Section by the same Parent or Person, within a twelve month period shall be punishable by a fine of no less than \$750.00.

(4) Persons over the age of eighteen (18) who contribute to truancy shall be deemed to have committed an ordinance violation and are subject to the following fines:

(a) Fine for First Offense: Not to exceed \$50.00.

(b) Fine for Second Offense and Subsequent Offenses: Not to exceed \$100.00.

(B) Lake County Administrative Adjudication Citation of Violation. If the Ordinance violation is cited for enforcement through the Lake County Administrative Adjudication Process, the fines shall be as follows:

(1) Truants under ten (10) years of age: The parent, guardian or custodian of the truant is subject to a fine:

(a) Fine for First Offense: \$50.00.

(b) Fine for Second and Subsequent Offenses: \$100.00

(2) Truants between the age of ten (10) and under seventeen (17) are subject to the following fines:

(a) Fine for First Offense: \$50.00.

(b) Fine for Second Offense and Subsequent Offenses: \$100.00.

(3) Persons over the age of eighteen (18) who contribute to truancy by violating their parental responsibility (Section 2. B) shall be deemed to have committed an ordinance violation and shall be fined:

(a) The first violation of this Section shall be punishable by a fine of \$115.00. If the citation is contested the hearing officer can assess a maximum fine of \$1,000.00.

1. (b) A second violation of this Section by the same Parent or Person, within a twelve month period shall be punishable by a fine of \$215.00. If the citation is contested the hearing officer can assess a maximum fine of \$1,000.00.

(c) A third or subsequent violation of this Section by the same Parent or Person, within a twelve month period shall be punishable by a fine of \$315.00. If the citation is contested the hearing officer can assess a maximum fine of \$1,000.00.

(4) Persons over the age of eighteen (18) who contribute to truancy shall be deemed to have committed an ordinance violation and are subject to the following fines:

(a) Fine for First Offense: Not to exceed \$50.00.

(b) Fine for Second Offense and Subsequent Offenses: Not to exceed \$100.00.

SECTION 5. Effective Date

This ordinance takes effect the first of the month immediately after adoption by the County Board.

Adopted: April 14, 2015