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UPDATES TO STATE LAW ON TRUANCY ©

The Illinois School Code was amended, effective January 1, 2019, to include the following provisions relevant for students with disabilities:

- The law provides that no punitive action – including out of school suspensions, expulsions or court action – can be taken against students for chronic truancy (absence from school without valid cause for 9 or more of the previous 180 school days) unless appropriate and available supportive services and other school resources have been provided to the student.
- “Valid cause” for a child’s absence from school was updated to include “circumstances which cause **reasonable** concern to the parent for the mental, emotional, or physical health or safety of the student.”
 - If a parent has such reasonable concerns, they should report them to the school district *in writing*. If there is valid cause for the absence, the child cannot be considered truant and the school district cannot punish the student for truancy.
- A student cannot be issued a fine or a fee as punishment for his or her truancy. A parent/legal guardian can be issued a fine or fee for the child’s truancy, but only after the following services are provided:
 - For a child with a documented disability, an IEP or 504 plan meeting must be convened to review the child’s needs and address the appropriateness of the child’s placement and services.

- For a child currently being evaluated by a school district or for whom the school district has a basis of knowledge that the child is a child with a disability, the school district must complete its evaluation and, if it determines that the child is eligible under the Individuals with Disabilities Education Act or Section 504, hold an IEP or 504 plan meeting.
- Before referring a parent/legal guardian to be issued a fine or fee, the school district must document any appropriate and available supportive services offered to the child.

See SB 3466; 105 ILCS 5/26-2a and 26-12