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DIVISION 1. - GENERALLY

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Sec. 62-216. - Truancy.

- (a) *Definitions.*
- (1) *Dropout.* A person who ceased to attend school, does not attend a public or private school, technical college or home-based private educational program on a full-time basis, has not graduated from high school, is not enrolled in a program leading to high school graduation or a high school equivalency diploma and does not have an acceptable excuse for being absent from school under Wis. Stats. § 118.15.
 - (2) *Habitual truant.* A pupil who is absent from school without an acceptable excuse under Wis. Stats., §§ 118.15 and 118.16(4), for part or all of five or more days on which school is held during a semester.
 - (3) *Acceptable excuse.* The meaning as defined in Wis. Stats. §§ 118.15 and 118.16(4).
 - (4) *School attendance officer.* Any employee designated by the school board to deal with matters relating to school attendance and truancy.
 - (5) *Operating privilege.* The meaning given in Wis. Stats. § 340.01(40).
 - (6) *Truancy.* Any absence of part or all of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of this chapter or Wis. Stats. § 118.15.
 - (7) *Truant.* A pupil who is absent from school without an acceptable excuse under Wis. Stats. §§ 118.15 and 118.16(4), for part or all of any day on which school is held during a school semester.
- (b) *Prohibitions.*
- (1) *Prohibition of truancy.* A person under 18 years of age is prohibited from being a truant.
 - (2) *Prohibition of habitual truancy.* A person under 18 years of age is prohibited from being a habitual truant.
 - (3) *Prohibition of dropouts.* A person under 18 years of age is prohibited from being a dropout.
- (c) *Issuance of citations and precondition to issuance for habitual truancy.*
- (1) The village police department is authorized to issue a municipal citation to any person found within its jurisdiction who is in violation of this section.
 - (2)

With respect to a habitual truant, the school attendance officer must, before a citation is issued, provide evidence to the police department that appropriate school personnel in the school or school district in which the person is enrolled have, unless an exception in Wis. Stats. § 118.16(5m), applies, done all of the following within the school year during which the truancy occurred:

- a. Met with the person's parent or guardian to discuss the person's truancy or attempted to meet with the person's parent or guardian and received no response or were refused.
 - b. Provided an opportunity for educational counseling to the person to determine whether a change in the person's curriculum would resolve the person's truancy and have considered curriculum modifications under Wis. Stats. § 118.15(1)(d).
 - c. Evaluated the person to determine whether learning problems may be the cause of the person's truancy and, if so, have taken steps to overcome the learning problems, except that the person need not be evaluated if tests administered to the person within the previous year indicate that the person is performing at his or her grade level.
 - d. Conducted an evaluation to determine whether social problems may be the cause of the person's truancy and, if so, have taken appropriate action or made appropriate referrals.
- (d) *Form of citation.* Any citation issued shall be returnable in the municipal court in the same manner as all ordinance citations are returnable. The citation shall state on its face that this is a "Must Appear" citation and any forfeiture amount is to be written on the face of the citation.
- (e) *Findings and dispositions.*
- (1) Upon finding a person to be a truant, the court shall impose one or more of the following dispositions:
 - a. An order for the person to attend school.
 - b. A forfeiture of not more than \$50.00 plus costs for a first violation, or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to Wis. Stats. § 938.37, and subject to a maximum cumulative forfeiture of not more than \$500.00 plus costs for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the truant, the parents or guardian of the truant or both.
 - (2) Upon finding a person to be a habitual truant, the court shall impose one or more of the following dispositions:
 - a. Suspend the person's operating privileges for not less than 30 days or more than one year. The court shall immediately take possession of any suspended license and forward it to the department of transportation of the state, together with a notice setting forth the reason for and duration of the suspension.
 - b. Order the person to participate in counseling, community service or a supervised work program under Wis. Stats., § 938.34(5g). The costs of any such counseling, supervised work program or other community service may be assessed against the person, the parents or guardian of the person, or both. Any county department of human services or social services, community agency, public agency or nonprofit charitable

organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from any civil liability in excess of \$25,000.00 for any act or omission by or impacting on that person.

- c. Order the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.
 - d. Petition the person to attend an education program under Wis. Stats. § 938.34(7d).
 - e. Order the department of workforce development to revoke under Wis. Stats. § 103.72, a permit under Wis. Stats. § 103.70, authorizing the employment of the person.
 - f. Order the person to attend school.
 - g. Impose a forfeiture of not more than \$500.00 plus costs, subject to Wis. Stats. § 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
 - h. Order the person to comply with any other reasonable conditions consistent with this section, including a curfew, restrictions as to going or remaining on specified premises and restrictions on associating with other juveniles or adults.
 - i. Refer the person to juvenile court for an order placing the person under formal or informal supervision as described in Wis. Stats. § 938.34(2), for up to one year.
 - j. Order the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person or both.
- (3) Upon finding a person who is at least 16 year of age, but less than 18 years of age to be a dropout, the court shall impose one or more of the following dispositions:
- a. Except as provided in subsection b. below, the court shall suspend the person's operating privilege until the person reaches the age of 18 years. The court shall immediately take possession of any suspended license authorized for habitual truants and forward it to the department of transportation, together with a notice stating the reason for and the duration of the suspension.
 - b. If the court finds that suspension of the person's operating privilege until age 18 would cause an undue hardship to the person or his or her family, the court may instead enter any of the specific dispositions authorized for habitual truants.

(f) *Contributing to truancy.*

- (1) Except as provided in subsection (2) below, any person 18 years of age or older, who by any act or omission, knowingly encourages or contributes to a person's truancy, as defined within this section, is guilty of a violation of this section.
- (2)

Subsection (1) does not apply to a person who has under his or her control a person who has been sanctioned under Wis. Stats. § 49.26(1)(h).

- (3) An act or omission contributes to the truancy of a person, whether or not the person is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be a cause the person to be truant.
 - (4) Penalty. A person adjudged to have violated this section shall be subject to a forfeiture of not less than \$50.00, nor more than \$500.00.
 - (5) This subsection is adopted pursuant to the authority granted by Wis. Stats. § 66.051(2).
- (g) *References to statutes.* References to specific statutory sections whenever used in this section shall mean the Wisconsin Statutes of 1997-98 as from time to time are amended, modified, repealed or otherwise altered by the state legislature.
- (h) *Severability.* The several sections of this section are declared to be severable. If any section, provision, phrase, word or any portion of this section shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section, word, phrase, provision or portion thereof directly specified in the decision, and not affect the validity of all other provision, words, sections or portions thereof of this section which shall remain in full force and effect.

(Ord. No. 00-452, § 1, 6-1-00)

Secs. 62-217—62-235. - Reserved.