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**ARTICLE III. - TRUANCY AND DROPOUTS**

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**Sec. 38-71. - Authority.**

Wis. Stats. § 118.163(2) authorizes counties to adopt a truancy ordinance.

(Ord. of 6-18-02(2))

**Sec. 38-72. - Truancy and school dropouts.**

- (a) In this section:
- (1) *Dropout* has the meaning given in Wis. Stats. § 118.153(1)(b).
  - (2) *Truant* means 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.
  - (3) *Habitual truant* means 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 school semester.
- (b) A child adjudged a truant shall be subject to the following dispositions of the court:
- (1) An order for the person to attend school.
  - (2) 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 for all violations committed during a school semester. All or part of the forfeiture, plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (c) A child adjudged a habitual truant shall be subject to the following dispositions of the court:
- (1) Suspension of the person's operating privilege for not less than 30 days or more than one year. The court shall immediately take possession of the suspended license and forward it to the Wisconsin Department of Transportation together with a notice stating the reason for and the duration of the suspension.
  - (2) An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stats. § 938.34 (5g). The costs of any such counseling, supervised work program or other

community service work may be assessed against the person, the parents or guardian of the person, or both.

- (3) An order for 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.
- (4) An order for the person to attend an educational program as described in Wis. Stats. § 938.34(7d).
- (5) An order for the Department of Workforce Development to revoke, under Wis. Stats. § 103.72, a permit issued under Wis. Stats. § 103.70, authorizing the employment of the person.
- (6) An order for the person to be placed in a teen court program as described in Wis. Stats. § 938.342(1g)(f).
- (7) An order for the person to attend school.
- (8) 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.
- (9) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
- (10) An order placing the person under formal or informal supervision, as described in Wis. Stats. § 938.34(2), for up to one year.
- (11) An order for 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.

*(Ord. of 6-18-02(2))*

**State law reference**— *Similar provisions, Wis. Stats. § 118.163.*

### **Sec. 38-73. - Procedure for issuance of citations.**

The sheriff's office is authorized to issue a citation to any such student who is truant or a habitual truant or against a parent or guardian under the terms of this article.

- (1) Prior to the issuance of any citation, the law enforcement personnel shall determine whether the school officials have done the following:
  - a. Met with the child's parent or guardian to discuss the child's truancy or attempted to meet with the child parent or guardian and received no response or were refused.
  - b. Provided an opportunity for educational counseling to the child to determine whether a change in the child's curriculum would resolve the child's truancy and have considered curriculum modification under Wis. Stats. § 118.15(1)(9d).
  - c. Evaluated the child to determine whether learning problems are the cause of the truancy and, if so, have taken steps to overcome the learning problems, except that the child need not be evaluated if tests administered to the child within the previous year indicate that the child is performing at his or her grade level.

- d. Conducted an evaluation to determine whether social problems may be a cause of the child's truancy and, if so, have taken appropriate action or made appropriate referrals.
- (2) Subsection (1)a. does not apply if a meeting as required under Wis. Stats. § 118.16(2)(cg)3 is not held within ten school days after the date that the notice under Wis. Stats. § 118.16((2)(cg) is sent. Subsections (1)b., c. and d. do not apply if the school attendance officer provides evidence that appropriate school personnel were unable to carry out the activity due to the child's absences from school.
  - (3) Any citation issued shall be returnable to the circuit court in the same manner as all ordinance citations are returnable. Any citation issued for habitual truancy is to state on its face that this is a "must appear" citation and no forfeiture amount is to be written on the face of the citation. For any citation issued for truancy, for purposes of posting a cash deposit, a forfeiture amount may be written on the face of the citation, as follows:
    - a. For the first violation of the provisions of subsection [38-72\(b\)](#), the sum of \$50.00 plus costs, assessments and fees as provided in the Civil Forfeiture Table effective September 1, 2001, and as amended from time to time.
    - b. For the second or subsequent violation of subsection [38-72\(b\)](#) committed within 12 months of a previous violation, the sum of \$100.00 plus costs, assessments and fees as provided in the Civil Forfeiture Table effective September 1, 2001, and as amended from time to time.

(Ord. of 6-18-02(2))

### **Sec. 38-74. - Contributing to truancy.**

- (1) Any person 17 years of age or older who, by act or omission, knowingly encourages or contributes to the truancy of a child is guilty of a violation of this subsection.
- (2) This subsection does not apply to a person who has under his or her control a child who has been sanctioned under the provisions of Wis. Stats. § 49.26(1)(h).
- (3) An act or omission contributes to the truancy of a child if the natural and probable consequences of that act or omission would be to cause the child to be truant.

(Ord. of 6-18-02(2))

### **Secs. 38-75—38-105. - Reserved.**

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#### FOOTNOTE(S):

<sup>(26)</sup> **Editor's note**— An ordinance adopted June 18, 2002, repealed and recreated art. III in its entirety to read as herein set out. Former art. III pertained to the same subject matter and derived from an ordinance adopted Oct. 25, 1995. [\(Back\)](#)