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## ARTICLE XXVII. - TRUANCY

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### **Sec. 66-801. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Dropout* means a child who has ceased to attend school, continues to reside in the school district, does not attend a public, private or vocational, technical and adult education district school or home-based private educational program on a full-time basis, has not graduated from high school and does not have an acceptable excuse under Wis. Stat. §§ 118.15(1)(b)—(d) or (3).

*Habitual truant* means a pupil who is absent from school without an acceptable excuse under Wis. Stat. §§ 118.15 and 118.16(4) for part or all of five or more days on which school is held during a school semester.

*Operating privilege* has the meaning given in Wis. Stat. § 340.01(40).

*Truant* means a pupil who is absent from school without an acceptable excuse under Wis. Stat. §§ 118.15 and 118.16(4) for part or all of any day on which school is held during a school semester.

(Ord. No. 15-00, pt. 1, 8-16-00)

### **Sec. 66-802. - Prohibition—Habitual truancy.**

Any person under the age of 18 years within the Racine Unified School District is prohibited from being habitually truant.

(Ord. No. 15-00, pt. 1, 8-16-00; Ord. No. 14-03, pt. 1, 6-17-03)

### **Sec. 66-803. - Prohibition truancy.**

Any person under the age of 18 years within the Racine Unified School District is prohibited from being truant.

*(Ord. No. 15-00, pt. 1, 8-16-00; Ord. No. 14-03, pt. 2, 6-17-03)*

### **Sec. 66-804. - Available dispositions—Habitual truancy.**

If the court finds that a person under the age of 18 years has violated [section 66-802](#), one or more of the following dispositions are authorized:

- (1) Except as provided in subsection (3) of this section, suspend the person's operating privilege for not less than 30 days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.
- (2) Order the department of workforce development to revoke, under Wis. Stat. § 103.72, a permit under Wis. Stat. § 103.70, authorizing the person's employment.
- (3) If the court finds that a person is a habitual truant, is at least 16 years of age, and is a dropout, the court shall order suspension of the person's operating privilege until the person reaches the age of 18. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.
- (4) Order for the person to attend school.
- (5) A forfeiture of not more than \$500.00 plus costs, subject to Wis. Stat. § 938.37 and subject to a maximum cumulative forfeiture amount of not more than \$500.00 per semester for all truancy and habitual truancy violations. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) Order the person to attend an educational program under Wis. Stat. § 938.34 (7d).
- (10) Order the person to perform community service.

*(Ord. No. 15-00, pt. 1, 8-16-00; Ord. No. 36-06, pt. 1, 11-8-06)*

### **Sec. 66-805. - School personnel to meet conditions in state statutes.**

Except as provided in Wis. Stat. § 118.16(5m), before any proceeding may be brought against a child under sec. 66-804, the school attendance officer must provide evidence that the appropriate school personnel in the school or school district in which the child is enrolled have, within the school year during which the truancy occurred, met the conditions found in Wis. Stat. § 118.16(5).

*(Ord. No. 15-00, pt. 1, 8-16-00)*

### **Sec. 66-806. - Available dispositions—Truancy.**

If the court finds that a person under the age of 18 years has violated sec. 66-803, one or more of the following dispositions are authorized:

- (1) 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. Stat. § 938.37 and subject to a maximum cumulative forfeiture amount 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.
- (3) Order the person to perform community service.

*(Ord. No. 15-00, pt. 1, 8-16-00; Ord. No. 36-06, pt. 2, 11-8-06)*

### **Sec. 66-807. - Prohibition—Contributing to truancy.**

No person 17 years of age or older shall, by any act or omission knowingly encourage or contribute to the truancy, as defined under Wis. Stat. § 118.16(1)(c), of a person 17 years of age or under, except that this prohibition does not apply to a person who has under his or her control a child who has been sanctioned under Wis. Stat. § 49.26(1)(h). An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.

*(Ord. No. 15-00, pt. 1, 8-16-00)*

### **Sec. 66-808. - Penalty—Contributing to truancy.**

Any person who violates Sec. 66-807 shall, upon conviction, forfeit not less than \$10.00 nor more than \$500.00, subject to a maximum cumulative forfeiture amount of not more than \$500.00 per semester.

*(Ord. No. 15-00, pt. 1, 8-16-00)*