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ARTICLE II. - TRUANCY ^[12]

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Sec. 34-23.- Truancy prohibited.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Acceptable excuse has the meaning as defined in Wis. Stats. § 118.15(3).

Child means a person under the age of 18 years.

School means any primary or secondary school in the County of Burnett, State of Wisconsin.

Truant means a pupil who is absent from school without an acceptable excuse for part or all of any one day on which school is held during a school semester.

- (b) *Truancy prohibited.* A child is prohibited from being a truant.

- (c) *Penalty.* Any child who commits any act of truancy is subject to the following penalties:

- (1) 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 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.

- (2) An order for the person to attend school.

(Ord. No. 2008-05, § a, 12-18-2008)

Sec. 34-24.- Habitual truancy prohibited.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Child means a person under the age of 18 years.

Habitual truant means a child who is absent from school without an acceptable excuse for any portion of all of five school days during a semester in which school is held.

Acceptable excuse means an acceptable excuse as defined in Wis. Stats. § 118.15(3).

School means any primary or secondary school in the County of Burnett, State of Wisconsin.

- (b) *Prohibition of habitual truancy.* A child is prohibited from being a habitual truant.
- (c) *Penalty.* Upon finding that a child is a habitual truant, the court shall enter an order making one or more of the following dispositions:
 - (1) Suspension of the person's operating (driving) privilege, as defined in Wis. Stats. § 340.01(40), 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 state 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).
 - a. The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or the guardian of the person or both.
 - b. Any county department, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned under an order under this subsection acting in good faith has immunity from civil liability in excess of \$25,000.00 for any act or omission by or impacting on that person.
 - (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/her home if the child 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 state department of work force development to revoke, under Wis. Stats. § 103.72, a permit under Wis. Stats. § 103.70, authorizing the employment of the person.
 - (6) Order the person to be placed in a teen court program if all of the following conditions apply (Wis. Stats. § 938.342(1g)(f)):
 - a. The chief judge of the judicial administrative district has approved a teen court program established in the person's county of residence and the court determines that participation in the teen court program will likely benefit the person and the community.
 - b. The person admits or pleads no contest in open court, in the presence of the person's parent, guardian or legal custodian, to the allegations that the person violated the municipal ordinance enacted under Wis. Stats. § 118.163(2).
 - c.

The person has not successfully completed participation in a teen court program during the two years before the date of the alleged municipal ordinance violation.

- (7) An order for the person to attend school.
 - (8) 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.
 - (9) An order placing the person under formal or informal supervision, as described in Wis. Stats. § 938.34(2), for up to one year.
 - (10) 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.
 - (11) Order the person to comply with any other reasonable conditions consistent with this section, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.
 - (12) Order the person to report to a youth report center after school, in the evening, on weekends, on other non-school days, or at any other time that the juvenile is not under immediate adult supervision, for participation in the social, behavioral, academic, community service and other programming of the center. Wis. Stats. § 938.34(5g) applies to any community service work performed by a person under this subsection.
- (d) *Contempt of court.* Failure to comply with a truancy disposition order of the court may result in a finding of contempt of court with the imposition of a monetary or other penalty as determined by the court.

(Ord. No. 2008-05, § b, 12-18-2008)

Sec. 34-25.- Orders applicable to parents, guardians and legal custodians.

- (a) If the court finds that the person violated this article, the court may, in addition to or instead of the dispositions under section 34-24(c), order the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardians' or legal custodian's own expense or to attend school with the person, or both, if the disposition is authorized by the municipal ordinance.
- (b) If the court finds that the person violated this ordinance prohibiting truancy, the court may, as part of the disposition under section 34-23, order the person's parent or guardian to pay all or part of a forfeiture plus costs assessed under section 34-23(c). If the court finds that the person violated this article prohibiting habitual truancy, the court may, as part of the disposition under section 34-24(c), order the person's parent or guardian to pay all or part of the costs of any program ordered under section 34-24(c) (2) or to pay all or part of a forfeiture plus costs assessed under section 34-24(c)(8).
- (c) No order to any parent, guardian or legal custodian under subsection (a) or (b) of this section may be entered until the parent, guardian or legal custodian is given an opportunity to be heard on the contemplated order of the court. The court shall cause notice of the time, place and purpose of the hearing to be served on the parent, guardian or legal custodian personally at least ten days before the date of the hearing. The procedure in these cases shall, as far as practicable, be the same as in other cases to the court. At the hearing, the parent, guardian or legal custodian may be represented by counsel and may produce and cross examine witnesses. A parent,

guardian or legal custodian who fails to comply with any order issued by a court under subsection (a) or (b) of this section may be proceeded against for contempt of court.

(Ord. No. 2008-05, § c, 12-18-2008)

Sec. 34-26.- School attendance condition.

If school attendance is a condition of an order under section 34-24(c)(4) or 34-24(c)(7), the order shall specify what constitutes a violation of the condition and shall direct the school board of the school district, or the governing body of the private school, in which the person is enrolled to notify the court or, if the person is under the supervision of an agency under 34-24(c)(9) the agency that is responsible for supervising the person, within five days after any violation of the condition by the person.

(Ord. No. 2008-05, § d, 12-18-2008)

Sec. 34-27.- Contributing to truancy.

- (a) Except as provided in subsection (b) of this section, any person 18 years of age or older, who by an act or omission, knowingly encourages or contributes to the truancy, as defined in section 34-23(a), of a child shall be subject to a forfeiture of not less than \$25.00 nor more than \$1,000.00.
- (b) Subsection (a) of this section does not apply to a person who has under his or her control a child who has been sanctioned under Wis. Stats. § 49.26(1)(h).
- (c) 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 a truant.

(Ord. No. 2008-05, § e, 12-18-2008)

Sec. 34-28.- Parent or guardian liability for truancy.

- (a) Unless the child is excepted or excused under Wis. Stats. § 118.15, or has graduated from high school, any person having under control a child who is between the ages of six and 18 years of age shall cause the child to attend school regularly during the full period of hours, religious holidays excepted, that the public or private school in which the child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child becomes 18 years of age.
- (b) A person found to have violated subsection 34-24(b), after evidence is provided by a school official that the activities under Wis. Stats. § 118.16(5) have been completed, shall be subject to a forfeiture of not less than \$25.00 nor more than \$1,000.00.
- (c) This section does not apply:
 - (1) To a person who has under his/her control a child who has been sanctioned under Wis. Stats. § 49.26(1)(h).
 - (2) To a person who proves that he/she is unable to comply with the requirements of this section because of the disobedience of the child, in which case the action shall be dismissed and the juvenile officer or law enforcement authority shall refer the case to the district attorney's office.
 - (3) Unless evidence has been provided by the school attendance office that the activities under Wis. Stats. § 118.16(5) have been completed or were not required to be completed as provided in Wis. Stats. § 118.16(5m).

(Ord. No. 2008-05, § f, 12-18-2008)

Secs. 34-29—34-49.- Reserved.

FOOTNOTE(S):

⁽¹²⁾ **State Law reference**— *Truancy, Wis. Stats. § 118.163; disposition under ordinances, Wis. Stats. § 938.342.*

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