

**Chapter 9.24
Truancy**

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9.24.010 Authority.

Wis. Stat. § 118.163(1m), (2), and (2m) authorizes the village to adopt a municipal truancy code.

9.24.020 Definitions.

Truant has the meaning given in Wis. Stat. § 118.163(1)(d).

Habitual truant has the meaning given in Wis. Stat. § 118.16(1)(a).

Acceptable excuse has the meaning given in Wis. Stat. 118.15(3).

Dropout has the meaning given in Wis. Stat. § 118.153(1)(b).

9.24.030 School Attendance.

A. Requirements. The school attendance requirements shall be as set forth in Wis. Stat. § 118.15 and, except as provided in Wis. Stat. § 118.15, any person having under their control a child who is between the ages of 6 and 18 years shall cause that child to attend school regularly during the full period and 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. Exceptions. A person will not be found in violation of this section if such person:

1) has under his or her control a child who has been sanctioned under Wis. Stat. 49.26(1)(h) or

2) can prove that he or she is unable to comply with the provisions of the section because of the disobedience of the child. The child shall be referred to the court assigned to exercise jurisdiction under Wis. Stat. Chapter 938.

C. Penalties. Penalties for a violation of this section are as follows:

1. For the first offense, a forfeiture of not more than \$500.00.

2. For the second and subsequent offenses, a forfeiture of not more than \$1,000.00.

3. The court may require a person who is found guilty of violating this section to perform community service work.

4. The court may require a person who is found guilty of violating this section to participate in counseling at the person's own expense or to attend school with his or her child, or both.

9.24.040 Prohibition Against Truant.

Any person between the ages of 6 and 18 years who is attending school in the village, subject to the exceptions found under Wis. Stat. § 118.15, is prohibited from being a truant as the term is defined in this section. Any law enforcement officer in the village is authorized to issue a citation to any person who is determined to be truant under the terms of this section.

9.24.050 Prohibition Against Habitual Truant.

Any person between the ages of 6 and 18 years who is attending school in the village, subject to the exceptions found under Wis. Stat. §118.15, is prohibited from being a habitual truant as the term is defined in this section. Any law enforcement officer in the village is authorized to issue a citation to any such person who is determined to be a habit-

ual truant under the terms of this section.

9.24.060 Citation Process.

A. Preconditions to issuance of citation. Prior to the issuance of any citation against a juvenile who is truant, or a habitual truant, or against a parent or guardian, the Oakfield School District attendance officer shall provide evidence to the police department that appropriate school district personnel have taken the following actions within the school year during which the truancy occurred.

1. Met with, or attempted to meet with, the child's parent or guardian, received no response, or were refused a meeting.

2. 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 considered curriculum modification under Wis. Stat. § 118.15(1)(d).

3. Evaluated the child to determine whether learning problems are the cause of the truancy and, if so, 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.

4. Conducted an evaluation to determine whether social problems are the cause of the child's truancy and, if so, taken appropriate action or made appropriate referrals.

B. Subsection 1 above does not apply if a meeting, as required under Wis. Stat. § 118.16, is not held within ten (10) school days after the date that the notice under Wis. Stat. § 118.16(2)(cg) is sent. Wis. Stat. 118.15(2), (3), and (4) do not apply if the school attendance officer provides evidence that the appropriate school personnel were unable to carry out the activity due to the child's absence from school.

C. Form of Citation. Any citation issued shall be returnable to the Lakeside Municipal Court in the same manner as all other ordinance citations are returnable. The citation is to state on its face that it is a "**must appear**" citation and no forfeiture amount is to be written on the face of the citation.

9.24.070 Finding and Disposition.

A. Truancy. Upon finding the child truant, the court shall impose one or more of the following dispositions:

1. An order for the person to attend school.

2. A forfeiture of not more than \$50 plus costs for the first violation, or a forfeiture of not more than \$100 plus costs for any second or subsequent violation committed within twelve (12) months of a previous violation, subject to Wis. Stat. § 938.37, and subject to a maximum cumulative forfeiture of not more than \$500 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parent or guardian, or both.

B. Habitual truancy. Upon finding the child habitually truant, the court shall impose one or more of the following dispositions:

1. Suspension of the person's operating privileges for not less than 30 days nor 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 reasons for and the duration of the suspension.

2. An order for the person to participate in counseling, a supervised work program, or community service work as described under Wis. Stat. § 938.34(5g). The costs of any such counseling, supervised work program, or community service work may be assessed against the person, parent or guardian of the person, or both.

3. An order for the person to remain at home except for the 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 the person to leave the home if the child is accompanied by a parent or guardian.

An order for the person to attend an educational program as described in Wis.Stat. § 938.34(7d).

4. An order for the Wisconsin Department of Workforce Development to revoke, under Wis. Stat. § 103.72, a permit issued under Wis. Stat. § 103.70 authorizing the employment of the person.

5. An order for the person to be placed in a teen court program as described in Wis. Stat. § 938.342(1g)(f).

6. An order for a person to attend school.

7. A forfeiture of not more than \$500, subject to Wis. Stat. § 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parent or guardian, or both.

8. An order placing the person under formal or informal supervision as described in Wis. Stat. § 938.34(2).

9. 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.

10. Any other reasonable conditions consistent with this section including a curfew, restrictions as to going to or remaining on specific premises and restrictions on associating with other children or adults.

C. Disposition. Upon finding the child to be a dropout, the court shall impose one or more of the following dispositions:

1. The court may suspend the person's operating privileges until the person reaches the age of 18. The court shall immediately

take possession of any 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.

9.24.080 Contributing to Truancy.

A. Any person 18 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 section.

B. This section does not apply to a person who has under his or her control a child who has been sanctioned under the provisions of Wis. Stat. §49.26(1)(h).

C. An act or omission contributes to the truancy of a child if the natural and probable consequences of that act of omission would be to cause the child to be truant. (Ord. 2005-3)