

SEC. 11-5-7 TRUANCY.

- (a) **Definitions.** For the purpose of this Section, the following definitions shall be applicable:
- (1) Acceptable Excuse. The meaning as defined in Sections 118.15 and 118.16(4), Wis. Stats.
 - (2) Act of Commission or Omission. Anything that contributes to the truancy of a juvenile, whether or not the juvenile is adjudged to be in need of protection or services, if the natural and probable consequences of that act would be to cause the child to be truant.
 - (3) Habitual Truant. A pupil who is absent from school without an acceptable excuse for either of the following:
 - a. Part or all of five (5) or more days out of ten (10) consecutive days in which school is held during a school semester.
 - b. Part or all of ten (10) or more days in which school is held during a school semester.
 - (4) Truancy. Any absence of part or all of one (1) 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 legal guardian of the absent pupil. Intermittent attendance carried on for the purpose of defeating the intent of Sec. 118.15, Wis. Stats., shall also be considered truancy.
- (b) **Prohibition Against Habitual Truant.** Any person attending school in the City between the ages of six (6) and eighteen (18) years, subject to the exceptions found under Sec. 118.15, Wis. Stats., is prohibited from becoming a habitual truant as the term is defined in this Section. Any police officer in this City is authorized to issue a citation to any such person who is determined to be a habitual truant under the terms of this Section.
- (c) **Preconditions to Issuance of Citation.** Prior to the issuance of any citation, the district school Attendance Officer shall provide evidence to the Police Department that appropriate school personnel in the school in which the juvenile is enrolled has within the school year during which the truancy occurred:
- (1) Met with or attempted to meet with the juvenile's parent or legal guardian to discuss the juvenile's truancy.
 - (2) Provided an opportunity for educational counseling to the juvenile and considered curriculum modifications.
 - (3) Evaluated the juvenile to determine whether learning problems are the cause of the truancy and, if so, taken steps to overcome the learning problems.
 - (4) Conducted an evaluation to determine whether social problems are the cause of the juvenile's truancy and, if so, taken appropriate action or made appropriate referrals.
- (d) **Form of Citation.** Any citation issued shall be returnable in Court in the same manner as all other ordinance citations are returnable. The citation 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.
- (e) **Disposition.** Upon a finding the juvenile is habitually truant, the following dispositions are available to the Court:
- (1) Suspension of Operating Privileges. Suspend the juvenile's operating privileges as defined in Sec. 340.02(40), Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days. The judge shall immediately take possession of the suspended

license and forward it to the Department of Transportation of the State of Wisconsin, together with a notice setting forth the reason for and duration of the suspension.

- (2) Counseling, Service or Work Program. Order the juvenile to participate in counseling, community service or a supervised work program under Sec. 48.34(9), Wis. Stats.
 - (3) In-House Restraint. Order the juvenile to remain at home except for the hours in which the juvenile 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 juvenile to leave home if the juvenile is accompanied by a parent or legal guardian.
 - (4) Educational Programs. Order the juvenile to attend an educational program as set forth in Sec. 48.34(12), Wis. Stats.
 - (5) Revocation of Work Permits. Order the Department of Industry, Labor and Human Relations (DILHR) to revoke a work permit to the juvenile.
 - (6) Teen Court Program. Order the juvenile to be placed in a teen court program if all of the following conditions apply:
 - a. The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community;
 - b. The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, legal guardian or legal custodian present;
 - c. The juvenile has not successfully completed participation in a teen court program during the two (2) years before the date of the alleged violation.
 - (7) Parental Counseling. Order the parent, legal guardian or legal custodian of a habitually truant juvenile to participate in counseling at this or her own expense.
- (f) **Required School Attendance.**
- (1) Violations. Any person having under his/her control a juvenile who is between the ages of six (6) and eighteen (18), subject to the exceptions found in Sec. 118.15, Wis. Stats., shall cause the juvenile to attend school regularly during the full period and hours that the public or private school in which the juvenile shall be enrolled is in session until the end of the school term, quarter or semester of the school year in which the juvenile becomes eighteen (18) years of age.
 - (2) Exceptions.
 - a. A person will not be found in violation of this Subsection if that person can prove that he/she is unable to comply with the provisions of this Section because of the disobedience of the juvenile.
 - b. A person will not be found in violation of this Subsection if he/she has a juvenile under his/her control and the child has been sanctioned under Sec. 49.50(7)(h), Wis. Stats.
 - (3) Proof Required for Exacting a Penalty. Before a person may be found guilty of violating this Section, the school attendance officer must present evidence to the Court that the activities under Sec. 118.16(5), Wis. Stats., have been completed by the school system. If that evidence has been presented to the Court and if the Court

finds a person guilty of violating this Section, a forfeiture may be assessed as hereinafter provided.

(g) **Contributing to Truancy.**

- (1) Except as provided in Subsection (g)(2) below, any person eighteen (18) years of age or older, who, by an act or omission, knowingly encourages or contributes to the truancy, as defined in Subsection (g)(4), of a juvenile shall be subject to a forfeiture pursuant to Section 1-1-7.
- (2) Subsection (1) above does not apply to a person who has under his or her control a juvenile who has been sanctioned under Sec. 49.26(1)(h), Wis. Stats.
- (3) An act or omission contributes to the truancy of a child, whether or not the juvenile 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 juvenile to be a truant.
- (4) "Truancy" means any absence of part or all of one (1) 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 legal guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of Sec. 118.15, Wis. Stats.

(h) **Parent or Legal Guardian Liability for Truancy.**

- (1) Unless the juvenile is excepted or excused under Sec. 118.15, Wis. Stats., or has graduated from high school, any person having under control a juvenile who is between the ages of six (6) and eighteen (18) years shall cause the juvenile to attend school regularly during the full period of hours, religious holidays excepted, that the public or private school in which the juvenile should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the juvenile becomes eighteen (18) years of age.
 - a. A person found to have violated Subsection (h)(1) above, after evidence is provided by a school official that the activities under Sec. 118.16(5), Wis. Stats., have been completed, shall be subject to a forfeiture pursuant to Section 1-1-7.
 - b. Subsection (h)(2)a above does not apply to a person who has under his or her control a juvenile who has been sanctioned under Sec. 49.26(1)(h), Wis. Stats., nor does it apply if the person proves that he or she is unable to comply with Subsection (h)(1) because of the disobedience of the juvenile.