

CHAPTER 8 TRUANCY/JUVENILE

8.01 Truancy.

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- (1) **School Absences Prohibited.** Any person required to attend school in the County of Trempealeau, under Section 118.15, Wis. Stats., is prohibited from becoming a truant, a habitual truant, or a dropout.
- (2) **Citation to be Issued.** Persons violating this ordinance may be issued a citation of the type described in Section 66.0113, Wis. Stats., and authorized by Section 938.237, Wis. Stats. Any deputized police officer of Trempealeau County is authorized to issue such citation after having reviewed written evidence from school personnel indicating the unauthorized absences from school prohibited by this ordinance, and that all the requirements of Section 118.16(5), Wis. Stats., have been met by the school, or are not required as specified in Section 118.16(5m), Wis. Stats. Court appearances are mandatory for persons under the age of 18 and the citation shall so indicate.
- (3) **Definitions.** Truancy, habitual truant, dropout, acceptable excuse, and other terms of this ordinance shall have the same meaning as set forth in Sections 118.15, 118.153 and 118.16, Wis. Stats.
- (4) **Court Disposition – Truant.** Upon finding a person to be truant, the Court may impose one or more of the following dispositions as permitted by Section 938.342(1d), Wis. Stats.:
 - (a) Order the person to attend school.
 - (b) Impose 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 2nd or subsequent violation committed within 12 months of a previous violation, subject to Section 938.37, Wis. Stats., 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 parent or guardian of the person, or both.
- (5) **Court Disposition – Habitual Truant.** Upon finding a person to be habitually truant, the Court may impose one or more of the following dispositions as permitted by Section 938.342(1g), Wis. Stats.:

- (a) Suspend the person's operating privilege, as defined in Section 340.01(40), Wis. Stats., for not less than 30 days nor more than 1 year. The judge shall immediately take possession of the suspended license and forward it to the Department of Transportation together with a notice stating the reason for and duration of the suspension.
- (b) Order the person to participate in counseling, community service or a supervised work program under Section 938.34(5g), Wis. Stats. 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. The immunities from civil liability provided in Section 118.163(2)(b), Wis. Stats., shall apply.
- (c) 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 the person to leave his or her home if the person is accompanied by a parent or guardian.
- (d) Order the person to attend an educational program under Section 938.34(7d), Wis. Stats.
- (e) Order the Department of Workforce Development to revoke, under Section 103.72, Wis. Stats., a permit issued under Section 103.70, Wis. Stats., authorizing the employment of the person.
- (f) Order the person to be placed in a teen court program as described in Section 938.342(1g)(f), Wis. Stats.
- (g) Order the person to attend school.
- (h) Impose a forfeiture of not more than \$500.00 plus costs, subject to Section 938.37, Wis. Stats. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (i) Impose 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.
- (j) Order that the person be placed under formal or informal supervision, as described in Section 938.34(2), Wis. Stats., up to one year.
- (k) Order the person's parents, 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.

- (6) **Dropouts.** As authorized in Sections 118.163(2m) and 938.342(2), Wis. Stats., if the Court shall determine that a person between the age of 16 and 18 is a dropout as defined in Section 118.163(1)(a), Wis. Stats., the Court may suspend the person's operating privileges, as defined in 340.01(40), Wis. Stats., until the person reaches the age of 18.
- (7) **Sanctions for Noncompliance.** If a person has been found to be a truant or habitual truant and fails to comply with the Court's dispositional order, the Court may impose the authorized sanctions provided in Section 938.355(6m), Wis. Stats., if the person knew of the conditions to be met and the possible sanctions, as required by Section 938.355(6m)(a) Wis. Stats.
- (8) **Persons to Require School Attendance.** Any person having under their control a person required to attend school by Section 118.15, Wis. Stats., shall cause the person to attend school regularly during the full period and hours during which the person's school is in session. This section shall not apply if the exceptions in subsections (1), (3), (4), or (5) of Section 118.15, Wis. Stats., are established.
- (9) **Contributing to Truancy.** Any person 18 years of age or older is hereby prohibited from knowingly encouraging or contributing to the truancy of a person under the age of 18 by any act or omission. An act or omission contributes to truancy if the natural and probable consequences of the act or omission would cause a person to be truant.
- (10) **References to Statutes.** Reference to statutory sections shall mean the 2013-2014 edition of the as Wisconsin Statutes as from time to time may be amended, modified, repealed or otherwise altered by the State Legislature.
- (11) **Penalties for Violation of Sections (8) and (9).** Any person violating sections (8) or (9) of this chapter shall be required to forfeit \$20.00 plus costs for the first violation. A second or subsequent violation after receipt of a citation for the first offense shall be \$30.00 plus costs and each day of truancy after the issuance of such citation may be charged as a separate offense. These penalties are in addition to any other penalties or consequences allowed by this ordinance or State Statutes.

(History: Res. 12/19/1994; Res. 98-02-15; Res. 2002-09-08; Res. 2016-06-04)