

CHAPTER 55 - TRUANCY

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55.01 State Laws Adopted.

The provisions of §§ 118.15, 118.153, 118.16, 118.163, 938.342, 938.37, and 948.45, Wis. Stats., exclusive of criminal penalties, are adopted. References to specific statutory sections in this Chapter shall mean the Wisconsin Statutes, as from time to time amended, modified, revised, repealed or otherwise altered by the State Legislature.

55.02 Definitions.

For the purposes of this Chapter, the following definitions apply:

A. Acceptable Excuse has the meaning provided in §§ 118.15 and 118.16(4), Wis. Stats.

B. Contributing to Truancy shall mean any act or omission which encourages or contributes to the truancy of a pupil, whether or not the pupil actually becomes truant, if the natural and probable consequences of the act or omission would be to cause the pupil to be truant.

C. Drop Out shall mean a child who has ceased to attend school, does not attend a public or private school, technical college 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 §§ 118.15(1)(b) to (d) or (3), Wis. Stats.

D. Habitual Truant shall mean a pupil who is absent from school without an acceptable excuse for part of five (5) or more days on which school is held during a school semester.

E. Pupil shall mean any person between the ages of six (6) and eighteen (18) who is required to attend school under the Wisconsin Compulsory Attendance law § 118.15, Wis. Stats.

F. School Attendance Officer shall mean an employee designated by the school board to deal with matters relating to school attendance and truancy.

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

55.03 Prohibited Conduct - Pupils.

A. Truancy Prohibited. No pupil shall be a truant from school. Each day or part of a day a pupil is absent from school without an acceptable excuse shall constitute a separate offense.

B. Habitual Truancy Prohibited. No pupil shall be a habitual truant from school. Each period of absence for part or all of five (5) days or more on which school is held during a school semester, without acceptable excuse shall constitute a separate offense.

C. School Drop Out Prohibited. No pupil shall be a dropout from school.

55.04 Penalties - Pupils.

A. Truancy Penalties. Any pupil deemed to be a truant from school shall appear in court, and may be subject to an order from the court to attend school as well as the penalties set forth in Chapter 100.

B. Habitual Truancy Penalties. Any pupil deemed to be a habitual truant shall appear in court, with his parent, parents or guardian, and may be subject to one (1) or more of the following dispositions by the court:

1. Suspension of the pupil's operating privilege for not less than thirty (30) days nor more than one (1) 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 the duration of the suspension.
2. An Order for the pupil to participate in counseling or a supervised work program or other community service work as described in § 938.34 (5g), Wis. Stats. The costs of such counseling, supervised work program or other community service work may be assessed against the pupil, the parents or guardian of the pupil, or both.
3. An Order for the pupil to remain at home except during hours in which the pupil 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 pupil to leave his or her home if the pupil is accompanied by a parent or guardian.
4. An Order for the pupil to attend educational program as described in § 938.34(7d), Wis. Stats.
5. An Order for the Department of Workforce Development to revoke, under § 103.72, Wis. Stats., a permit under § 103.70, Wis. Stats., authorizing the employment of the pupil.
6. An Order for the pupil to attend school.
7. Forfeitures and penalties as set forth in Chapter 100.
8. 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.

9. An Order placing the person under formal or informal supervision, as described in § 938.34(2), Wis. Stats., for up to one (1) year.
10. An Order for the pupil'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 pupil or both.

C. Dropout Penalties. Any person deemed to be a dropout who is at least sixteen (16) years of age but less than eighteen (18) years of age shall appear in court, with his parent, parents or guardian, and may be subject to one (1) of the following dispositions for the court:

1. The court may suspend the operating privilege as defined in § 340.01(40), Wis. Stats., of the person until the person reaches the age of eighteen (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 the duration of the suspension.
2. Any of the dispositions specified in Section 53.04(B) above.

D. Right to Due Process. No dispositional order to a parent, guardian or legal custodian contemplated in § 938.342(1m), Wis. Stats., may be entered until the parent, guardian or legal custodian is given an opportunity to be heard on the contemplated order of the court, as provided in said statute.

55.05 Prohibited Conduct – Parents, Guardians and Other Persons.

A. Truancy and Habitual Truancy, Drop Outs. No parent, guardian or legal custodian may knowingly permit or allow a pupil to be a truant or a habitual truant, or permit a pupil to become a dropout or allow a person to remain a dropout.

B. Encouraging or Contributing to Truancy. No person eighteen (18) years of age or older may, by any act or omission, knowingly encourage or contribute to the truancy of a pupil eighteen (18) years of age or younger. This shall include, without limitation by enumeration, harboring truants or knowingly allowing pupil(s) to enter into or remain upon premises in their possession or under their control while school is in session, and said pupil(s) is/are absent without an acceptable excuse.

C. Exemptions. This Section does not apply to a person who has under his/her control a child who has been sanctioned under § 49.26, Wis. Stats. (Learnfare Program).

55.06 Penalties – Parents, Guardians and Other Persons.

A. Truancy and Habitual Truancy, Drop Outs. Any parent, guardian or legal custodian or other person permitting or allowing a pupil to be a truant, or a habitual truant or dropout or contributing to the truancy of a pupil in violation of Section 53.05 shall be required to forfeit to the County the penalty set forth in Chapter 100.

55.07 Enforcement.

A. Initial Determination. It shall be the responsibility of the School Attendance Officer to make the initial administrative determination that an absence or absences are without acceptable excuse, and that a pupil in a school under his/her jurisdiction is a truant, a habitual truant or a dropout pursuant to §§ 118.16(1)(a) and (c) and 118.153(1)(b), Wis. Stats., the School Attendance policies of the School District, and this Chapter, and to make referrals to the following authorities for necessary enforcement actions under this Chapter.

B. Any sworn law enforcement officer of the Sheriff's Office or otherwise credentialed by said Office, upon receipt of such referral and the completion of any necessary further investigation, or if such information comes to his/her attention from other sources in the performance of his/her duties, shall have the authority to issue a citation for violations of this Chapter.

C. The Corporation Counsel shall receive all referrals for violations of this Chapter and, upon the completion of any necessary further investigation, he/she may proceed to prosecute the same, including issuing citations under Chapter 100.

D. Nothing in this Chapter shall be construed to limit the authority of the School Attendance Officer or the Corporation Counsel to refer a habitually truant or dropout juvenile alleged to be in need of protection or services pursuant to § 938.13(6) or (6m), Wis. Stats., to the Intake Worker of the County Department of Human Services, if the evidence is provided by the School Attendance Officer that the activities under § 118.16(5), Wis. Stats., have been completed or were not required to be completed as provided in § 118.16(5m), Wis. Stats.

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