

CHAPTER 81
TRUANCY

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81.01 AUTHORITY. Wis. Stat. § 118.163 authorizes Sheboygan County to adopt municipal truancy and drop-out ordinances.

81.02 DEFINITIONS. For purposes of this Ordinance:

(a) "Drop-out" means a child who 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.

(b) "Habitual truant" means a pupil who is absent from school without an acceptable excuse for part or all of five (5) or more days on which school is held during a school semester.

(c) "Operating Privilege" means, in the case of a person who is licensed under Wis. Stat. ch. 343, the license, including every endorsement and authorization to operate vehicles of specific vehicle classes or types, instruction permit, and temporary, restricted, or occupational license granted to such person; in the case of a resident of this state who is not so licensed, it means the privilege to secure a license under Wis. Stat. ch. 343.

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

(e) "Acceptable Excuse" has the meaning as defined in Wis. Stat. §§ 118.15 and 118.16(4).

81.03 PROHIBITIONS AGAINST TRUANCY.

(a) No person under eighteen (18) years of age may be a truant.

(b) No person under eighteen (18) years of age may be a habitual truant.

81.04 DISPOSITION.

(a) Upon a determination that a person is a truant, the following dispositions are available to the Court:

(1) An order for the person to attend school.

(2) A forfeiture of not more than Fifty Dollars (\$50.00) plus costs for a first violation, or a forfeiture of not more than One Hundred Dollars (\$100.00) 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 amount of not more than Five Hundred Dollars (\$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.

(b) Upon a determination that a person is a habitual truant, the following dispositions are available to the Court:

(1) Suspension of the person'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 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. Stat. § 938.34(5g). 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 County Health and Human Services Department, any community agency or public agency, or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this subsection acting in good faith has immunity from any civil liability in excess of Twenty-five Thousand Dollars (\$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 or her home if the person is accompanied by a parent or guardian.

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

(5) An order for the Department of Workforce Development to revoke, under Wis. Stat. § 103.72, a permit under Wis. Stat. § 103.70 authorizing the employment of the person.

(6) An order for the person to be placed in a teen court program as described in Wis. Stat. § 938.342(1g)(f) if the conditions of that statute apply.

(7) An order for the person to attend school.

(8) A forfeiture of not more than Five Hundred Dollars (\$500.00) plus costs, subject to Wis. Stat. § 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) Any other reasonable conditions consistent with this Subsection, including a curfew, restrictions as to going to or remaining on specified premises and restriction on associating with other children or adults.

(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.

81.05 POWERS GRANTED TO COURTS TO SUSPEND OPERATING PRIVILEGES OF A DROP-OUT.

(a) The Circuit Courts of Sheboygan County, and any municipal courts within Sheboygan County, are empowered and permitted to suspend the operating privilege of a person who is at least sixteen (16) years of age but less than eighteen (18) years of age whom the Court determines to be a drop-out.

(b) The Circuit Courts of Sheboygan County and any municipal courts within Sheboygan County are empowered to immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.

(c) The Circuit Courts of Sheboygan County are empowered to order any school district to provide to the Court a list of all persons residing within Sheboygan County who are known to be drop-outs. Any municipal court within Sheboygan County is empowered to order any school district to provide the Court a list of all persons residing within the jurisdiction of the municipal court who are known to be drop-outs. The Courts may require, upon request, the Department of Transportation to assist the Courts to determine which drop-outs have operating privileges.

81.06 PREVENTION EFFORTS. Before a proceeding for habitual truancy may be brought, the school attendance office shall provide evidence that appropriate school personnel have within the school year during which the truancy occurred have taken the steps required by Wis. Stat. § 118.16(5).

81.07 ENFORCEMENT PROCEDURE. Except as hereafter provided, the Sheboygan County Sheriff's Department may enforce the provisions of Section 81.03 of this Code through the issuance of citations as authorized under Chapter 90 of this Code. 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. Pursuant to Wis. Stat. § 938.17(2)(b), only persons twelve (12) years of age or older may be issued citations. Persons under the age of twelve (12) should be referred to intake for determination whether a petition should be filed.

81.08 JURISDICTION. These provisions are applicable and may be enforced in any City, Village, or Town in Sheboygan County regardless of whether the City, Village, or Town has enacted similar local Ordinances.

81.09 SEVERABILITY. If any Section or part of this Ordinance is adjudged unconstitutional or invalid by any Court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.