

CHAPTER XLVI
MUNICIPAL TRUANCY

SECTION 46.00. Purpose. The purpose of this chapter is to regulate and control truancy of students within the Town of Wheatland.

SECTION 46.10. Definitions. When used in this chapter, the following terms shall have the following meanings:

A. "Habitual truant" means a pupil who is absent from school without an acceptable excuse under Sections 118.15 and 118.16(4), Wisconsin Statutes, for part or all of five (5) or more days on which school is held during a school semester.

B. "Truant" means a pupil who is absent from school without an acceptable excuse under Sections 118.15 and 118.16(4), Wisconsin Statutes, for part or all of any day on which school is held during a school semester.

C. "Habitually tardy" means a pupil who fails to be present in his or her designated classroom without an acceptable excuse under Sections 118.15 and 118.16(4), Wisconsin Statutes, on or before the established and scheduled commencement of the school day as maintained by a school within the Town of Wheatland from time to time on more than fifteen (15) occasions during any school year.

SECTION 46.20. Truancy Prohibited. No person under eighteen (18) years of age shall be a truant. Upon conviction thereof 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) plus costs for any second or subsequent violation committed within twelve (12) months of a previous violation, subject to Section 938.37, Wisconsin Statutes, and subject to a maximum cumulative forfeiture 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.

SECTION 46.30. Habitual Truancy Prohibited. No child shall be a habitual truant. Upon conviction thereof the following dispositions are available to the Court:

1. Suspension of the child's operating privilege as defined in Section 340.01(40), Wisconsin Statutes, 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 child to participate in counseling or a supervised work program or other community service as described in Section 938.34(5g), Wisconsin Statutes. The costs of any such counseling, supervised work program or community service work may be assessed against the person, the parents or guardian of the person, or both;

3. An order for the child'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 a combination thereof.

4. An order for the child to remain at home except during hours in which the child 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 child to leave his or her home if the child is accompanied by a parent or guardian;

5. An order for the child to attend an educational program as described in Section 938.34(7d), Wisconsin Statutes.

SECTION 46.35 Contributing to Truancy.

(A) No person sixteen (16) years of age or older may, by any act or omission, knowingly encourage or contribute to the truancy of a child.

(B) A party is guilty of a violation of this section if an act or omission by the party either inside or outside of the Town encourages or contributes to a child being truant to the Town.

(C) An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act of omission would be to cause the child to be truant.

(D) Penalty. Any person who violates this section shall, upon conviction thereof, forfeit not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars together with costs.

SECTION 46.40. Habitual Tardiness Prohibited. No person under eighteen (18) years of age shall be habitually tardy. Upon conviction thereof, any such person shall be subject to a forfeiture of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) plus applicable Court costs. All or part of the forfeiture plus costs may be assessed against the person, the parent or guardian of the person, or both.