

## CHAPTER 9B. TRUANCY AND HABITUAL TRUANCY

### SECTION 9B.01 PROHIBITION AGAINST HABITUAL TRUANT

Any person attending school, within the boundaries of the City of Mondovi, between the ages of six (6) and eighteen (18) years, is prohibited from being a truant or becoming a habitual truant as the term is defined in this ordinance. Any law enforcement officer in the City of Mondovi is authorized to issue a citation to any individual who is determined to be a truant or a habitual truant under the terms of this ordinance.

### SECTION 9B.02 DEFINITIONS

- (1) “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.
- (2) “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 being held during a school semester.
- (3) “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. Intermittent attendance carried on for the purpose of defeating this ordinance shall be considered truancy.
- (4) “Acceptable excuse” means permission of the parent/guardian/legal custodian of a pupil, within limits of policies on truancy established by the school in which the pupil is enrolled. Except in emergencies or unforeseeable circumstances, such permission is expected to be communicated in writing from the parent/guardian/legal custodian to the school, prior to the absence. In emergencies or unforeseeable circumstances, such communication is expected to be as soon as practicable following the absence.
- (5) “Dropout” means a child who is 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.

### SECTION 9B.03 PRECONDITIONS TO ISSUANCE OF CITATION

Prior to the issuance of any citation, a district school attendance officer, administrator, principal or teacher 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 parents 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.

SECTION 9B.04 FORM OF CITATION

Any citation issued shall be returnable in Court in the same manner as all ordinance citations are returnable. The citation is to state on its face that this is a "must appear" citation and the forfeiture amount is to be written on the face of the citation in compliance with the forfeiture section of this ordinance.

SECTION 9B.05 TRUANCY DISPOSITION

Upon finding the juvenile is in violation of this ordinance, the following dispositions are available to the Court:

(1) School Attendance

Ordered to attend school.

(2) Forfeiture

A forfeiture of \$25.00 plus costs for a first violation, or a forfeiture of \$50.00 plus costs for any second violation and a fine of \$100.00 for subsequent violations committed within twelve (12) months of the first. All or part of the forfeiture plus costs may be assessed against the pupil, the parents or guardians of the pupil, or both.

Deposit Amount

1 <sup>st</sup> Offense	\$25.00
2 <sup>nd</sup> Offense	\$50.00
3 <sup>rd</sup> Offense	\$100.00

(a) Exceptions to Forfeitures

- (i) Juveniles under the age of 14 may not be assessed a forfeiture.
- (ii) Witness fees may not be included in assessed costs.

(3) Teen Court

At the discretion of the Judge or juvenile intake worker, a juvenile may be placed in the teen court program.

SECTION 9B.06 HABITUAL TRUANCY DISPOSITION

Upon finding the juvenile is in violation of this ordinance, the following dispositions are available to the Court.

- (1) School Attendance  
Ordered to attend school.
- (2) Forfeiture  
A forfeiture as prescribed by 9B.05 (2)
- (3) Suspension of Operating Privileges  
Suspend the juvenile's motor vehicle operating privileges for not less than thirty (30) days nor more than three hundred sixty-five (365) days.
- (4) Counseling, Service, or Work Program  
Order the juvenile to participate in counseling, community service, or a supervised work program as provided in ss. 938.342 (1g) (b) and 938.34 (5g), Wis. Stats.
- (5) In-House Restraint  
Order the juvenile to remain at home except for the hours in which the juvenile is attending religious worship or at 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. An order may be issued for a time period not to exceed 30 days.
- (6) Educational Programs  
Order the juvenile to attend an educational program pursuant to ss. 938.34 (7d), Wis. Stats.
- (7) Revocation of Work Permits  
Order the Department of Workplace Development to revoke a work permit issued to a juvenile.
- (8) Other Conditions  
Order the person to comply with any other reasonable conditions that are consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other juveniles or adults.
- (9) Supervision  
Place the person under formal or informal supervision, as outlined in ss. 938.34 (2), Wis. Stats., for up to (1) year.
- (10) Parental Counseling  
The Court may, in addition to or instead of the dispositions under subsection 9B.05 (1) – (3), 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.
- (11) Teen Court

At the discretion of the judge or juvenile intake worker, a juvenile may be placed in the teen court program.

#### SECTION 9B.07 CONTRIBUTING TO TRUANCY

- (1) 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 the subsection 9B.02 (3), of a juvenile shall be subject to the forfeiture in subsection 9B.05 (7).
- (2) Subsection 9B.04 (1) does not apply to a person who has under his or her control a juvenile who has been sanctioned, pursuant to ss. 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.

#### SECTION 9B.08 PARENT OR LEGAL GUARDIAN LIABILITY FOR TRUANCY

- (1) Any person having under his or her 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.
- (2) Additionally
  - (a) A person found to have violated this ordinance shall be subject to a forfeiture pursuant to subsection 9B.05 (2).
  - (b) This section does not apply to a person who has under his or her control a juvenile who has been sanctioned under ss. 49.26 (1) (h), Wis. Stats., nor does it apply if a Court having jurisdiction determines that he or she is unable to comply with subsection 9B.05 (1) because of the disobedience of the juvenile.