

31.23 COMPULSORY SCHOOL ATTENDANCE ORDINANCE**1. Authority**

This section of the Code is enacted under the authority granted by Sections 59.54(6), 59.54(7), and 118.163 Wisconsin Statutes.

2. Purpose

Amend present Chapter 31.23 of the Door County Code - "Habitual Truancy Ordinance" to reflect changes made by recent legislative enactments.

3. Parent's, Guardian's, or Legal Custodian's Responsibility

- (a) Any person having under control a child [except as provided in Sections 118.15(1)(b) through 118.15(1)(d), (g) and 118.15(4), Wisconsin Statutes, unless the child is excused in accordance with Section 118.15(3) Wisconsin Statutes, or has graduated from high school] who is between the ages of 6 and 18 years shall cause the child to attend school regularly during the full period and hours, religious holidays excepted, that the public or private school in which the child should be enrolled in is in session until the end of the school term, quarter, or semester of the school year in which the child becomes 18 years of age.
- (b) Any person having under his or her control a child [except as provided under Section 118.15(d), unless the child is excused under 118.15(3), Wisconsin Statutes] who is enrolled in 5-year-old kindergarten shall cause the child to attend school regularly, religious holidays excepted, during the full period and hours that kindergarten is in session at the public or private school in which the child is enrolled until the end of the school term.
- (c) No person 17 years of age or older may, by any act or omission, knowingly encourage or contribute to the truancy, as defined under Section 118.16(1)(c), Wisconsin Statutes, of a person who is 17 years old or younger. An act or omission contributes to the truancy of a child if the natural and probable consequences of that act or omission would be to cause the child to be truant. This paragraph does not apply to a person who had under his or her control a child who has been sanctioned under Section 49.26(1)(b), Wisconsin Statutes.
- (d) Prior to any proceeding being brought against a parent, guardian, or legal custodian, under Paragraph (a), Paragraph (b), or Paragraph (c) above, the school attendance officer shall provide evidence that the activities under Section 118.16(5) Wisconsin Statutes have been completed or were not required to be completed as provided in Section 118.16(5m) Wisconsin Statutes.
- (e) If, under Paragraph (a) or Paragraph (b) above, a person proves that he or she is unable to comply with the law because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under Chapters 48 and 938 Wisconsin Statutes.
- (f) A person found to have violated Paragraph (a), Paragraph (b), or Paragraph (c) above, may be penalized as follows:
 1. Forfeiture of not more than \$500.00 for a first offense;
 2. Forfeiture of not more than \$1,000.00 for a second or subsequent offense;
 3. Order to perform community service work for a public agency or a nonprofit charitable organization in lieu of the monetary penalties specified supra.
 4. Order to participate in counseling at the person's own expense or to attend school with his or her own child, or both.

4. Child – Habitually Truant

- (a) Sections 118.15 and 118.16, Wisconsin Statutes, or as subsequently revised or amended, to the extent such statutory sections require any act to be performed or prohibits an act, is hereby adopted and by reference made a part of this section of the Code.
- (b) Prior to any proceeding being brought against a child under Paragraph (4)(c) herein, the school attendance officer shall provide evidence that the activities under Section 118.16(5) Wisconsin Statutes have been completed or were not required to be completed as provided in Section 118.16(5m) Wisconsin Statutes.

- (c) No person who is under 18 years shall be a habitual truant.
 - 1. The term “habitual truant” shall be defined as set forth in Sections 118.16(1)(a) and 118.163(1)(b), Wisconsin Statutes.
 - 2. The term “acceptable excuse” shall be defined as set forth in Section 118.15, Wisconsin Statutes.
- (d) A person under the age of 18 years determined to be a habitual truant may be subject to any or all of the following dispositions:
 - 1. An order for the person to attend school.
 - 2. Suspension of the person’s operating privilege for not less than thirty (30) days nor more than one (1) year. The Court may take possession of any suspended license. If the court takes possession of a license, it shall destroy the license. The court shall forward to the department of transportation a notice stating the reason for and the duration of the suspension.
 - 3. An order for the person to participate in counseling, or a supervised work program or other community service work as described in Section 938.34(5g), Wisconsin Statutes. 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.
 - 4. 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.
 - 5. 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 second or subsequent violation committed within twelve months of a previous violation, subject to Section 938.37 Wisconsin Statutes 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 parents or guardian of the person, or both.
 - 6. An order for the person to attend an educational program as described in Section 938.34(7d), Wisconsin Statutes.
 - 7. An order for the Department of Workforce Development to revoke, under Section 103.72, Wisconsin Statutes, a permit under Section 103.70, Wisconsin Statutes, authorizing the employment of the person.
 - 8. An order for the person to be placed in a Teen Court Program as described in Section 938.342(1g)(f), Wisconsin Statutes.
 - 9. An order for the person to report to a youth report center after school, in the evening, on weekends, on other non-school days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in section 938.342 (1g) (k), Wisconsin Statutes.
 - 10. An order placing the person under formal or informal supervision as described in Section 938.34(2) Wisconsin Statutes, for up to one year.
 - 11. 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 child, or both.
 - 12. Any other reasonable condition consistent with Section 118.163 Wisconsin Statutes, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.

5. **Truant Person**

- (a) The term “truant” shall be defined as set forth in Section 118.163(1)(d) Wisconsin Statutes.
- (b) No person under 18 years of age shall be a truant.
- (c) A person under 18 years of age determined to be a truant may be subject to any or all of the following dispositions:
 - 1. An order for the person to attend school.
 - 2. 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 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 parents or guardian of the person, or both.

3. An order for the person to report to a youth report center after school, in the evening, on weekends, on other non-school days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in s. 938.342(1d)(c), Wisconsin Statutes.

6. Dropout

- (a) The term "dropout" shall be defined as set forth in Section 118.153(1)(b) Wisconsin Statutes.
- (b) No person who is at least 16 years of age but less than 18 years of age will be a dropout.
- (c) Any person determined to be a dropout may be subject to any or all of the following dispositions:
 1. Suspension of the person's operating privilege until the person reaches the age of 18. The Court may take possession of any suspended license. If the court takes possession of a license, it shall destroy the license. The court shall forward to the department of transportation a notice stating the reason for and the duration of the suspension.
- (d) Any person under the age of 17 on the date of disposition is subject to Section 938.42 Wisconsin Statutes.

7. Jurisdiction

- (a) This ordinance shall be applicable in that part of any city, village, or town located in Door County, regardless of whether the city, village, or town has enacted an ordinance under Section 118.163, Wisconsin Statutes in its entirety.

8. Non Exclusivity

- (a) Commencement of an action under this section of the Code does not preclude concurrent prosecution in the Court assigned to exercise jurisdiction under Chapter 48 or 938 or 939 to 951 Wisconsin Statutes.
- (b) Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

9. Enforcement Procedures

- (a) The use of a citation, pursuant to Section 66.0113, Wisconsin Statutes, is hereby authorized for violations of this ordinance.
- (b) Citations authorized hereunder may be issued by law enforcement officers of the county.
- (c) Cash deposit based on the schedule established may be made, which shall be delivered or mailed to the Door County Clerk of Court prior to the time of the scheduled court appearance. Receipts shall be given for cash deposits.
- (d) If a cash deposit is made and the person charged with a violation does not appear in court at the time specified, the violator will be deemed to have entered a plea of no contest, and to have submitted to a forfeiture and applicable assessment(s) and cost(s).
- (e) A person charged with a violation may enter a timely written stipulation of guilt or no contest and timely pay the required forfeiture, applicable assessment(s) and cost(s). Upon such stipulation and payment, the person need not appear in court.
- (f) If no cash deposit is made and the person charged with a violation does not appear in court at the time specified, the court may issue a summons or warrant to compel the person's appearance or arrest or may consider the non-appearance to be a plea of no contest and enter judgment accordingly.

10. Effective Date

This ordinance shall take effect on the day following the date of publication.
(Ordinance 26-94; 12/27/94) (Ordinance 3-95; 3/28/95) (Ordinance 34-98; 1/26/99)
(Ordinance 2013-09; 5/28/13)