

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 314-15
OF THE MUNICIPAL CODE OF THE VILLAGE OF WALES, WISCONSIN**

THE VILLAGE BOARD OF THE VILLAGE OF WALES, WAUKESHA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 314-15 of the Village Code of the Village of Wales is hereby repealed and recreated as follows:

§314-15 Truancy and habitual truancy.

(1) DEFINITIONS.

- (a) *Truancy* means any absence for part or all of one 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 guardian of the absent pupil, and also intermittent attendance carried on for the purpose of the defeating of the intent of the compulsory school attendance provisions of §118.15, Wis. Stats.
- (b) *Truant* means a pupil who is absent from school without an acceptable excuse under §118.15 and §118.16(4), Wis. Stats., for part or all of any day on which school is held during a school semester.
- (c) *Habitual truant* means a pupil who is absent from school without an acceptable excuse under §118.15 and §118.16(4), Wis. Stats., for part or all of five or more days on which school is held during a school semester.
- (d) *Acceptable excuse* has a meaning as defined in §118.15 and §118.16(4), Wis. Stats.

(2) PROHIBITIONS.

- (a) Any person under the age of 18 years of age found to be truant as defined herein shall be subject to one or more of the following dispositions:
 - 1. An order for the juvenile to attend school.

2. Subject to §938.37, Wis. Stats., 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 second violation or a forfeiture of not more than \$200.00 plus costs for any third violation or subsequent violation committed during the school year.
 3. All or part of the forfeiture plus costs may be assessed against the juvenile, the juvenile's parents or guardian of the juvenile or both.
- (b) Any person under the age of 18 found by the court to be a habitual truant shall be subject to one or more of the following:
1. Suspension of the juvenile's operating privilege for not less than 90 days but not more than one year, as defined in §340.01(40), Wis. Stats. The court shall immediately notify the Department of Transportation with a notice stating the reason for and the duration of the suspension.
 2. An order for the juvenile to participate in counseling, a supervised work program or other community service as described in §938.34(5)(g), Wis. Stats. The costs of any such counseling, supervised work program or other community service may be assessed against the juvenile, parents or guardian of the juvenile, or both.
 3. An order for the juvenile 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 place of worship or school program. The order may permit the juvenile to leave his/her home if the juvenile is accompanied by a parent or guardian.
 4. An order for the juvenile to attend an educational program as described in §938.34(7d), Wis. Stats.
 5. An order for the juvenile to attend school.
 6. Subject to §938.37, Wis. Stats., a forfeiture of not more than \$500.00 plus costs for each occurrence. All or part of the forfeiture plus costs may be assessed against the juvenile, the juvenile's parents or guardian, or both.
 7. 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.

8. An order placing the juvenile under formal or informal supervision as set forth in §938.34(2), Wis. Stats., for up to one year.
9. An order for the juvenile'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 juvenile, or both.

(3) CONTRIBUTING TO TRUANCY.

- (a) Except as provided below, any person 17 years of age or older who, by act or omission, knowingly encourages or contributes to the truancy of a child shall be subject to a forfeiture of not more than \$250.00 plus costs.
- (b) Subsection (a) does not apply to a person who has under his or her control a child who has been sanctioned under §49.26(1) (h), Wis. Stats.
- (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 or omission would be to cause the child to be truant.

SECTION 2: All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of Wales, Waukesha County, Wisconsin this ____ day of _____, 2016.

VILLAGE BOARD, VILLAGE OF WALES,
WAUKESHA COUNTY, WISCONSIN

BY: _____
Jeffery A. Flaws, President

ATTEST: _____
Gail Tamez, Village Clerk