

COMMON COUNCIL

CITY OF WAUPUN, WISCONSIN

ORDINANCE #2024-007

**AN ORDINANCE TO REPEAL AND RECREATE CHAPTER EIGHT OF THE MUNICIPAL CODE
OF THE CITY OF WAUPUN ENTITLED TRUANCY**

THE COMMON COUNCIL OF THE CITY OF WAUPUN ORDAINS:

SECTION 1: Section 8.08 of the Municipal Code of the City of Waupun entitled Truancy is repealed and recreated as follows:

8.08 TRUANCY.

(1) In this section the following definitions shall apply:

- (a) **Acceptable Excuse** – as it relates to a child’s absence from school, is any reason which complies with the written attendance policy established by the Waupun School District in accordance with Wis. Stats. §118.16 (4).
- (b) **Dropout** – as defined in Wis. Stats. §118.153 (1) (b).
- (c) **Habitual Truant** – as defined in Wis. Stats. §118.16 (1) (a).
- (d) **Operating Privilege** – as defined in Wis. Stats. §340.01 (40).
- (e) **Truancy or Truant** – means any absence of 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 means intermittent attendance carried on for the purpose of defeating the intent of Wis. Stats. §118.15. 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, and also, intermittent attendance carried on for the purpose of defeating the intent of Wis. Stats. §118.15.

(2) On finding that a child has violated this section, a Court may enter dispositional orders, including one or more of the following:

- (a) An order for the person to attend school.
- (b) A forfeiture of a fee as established annually by the Common Council on the Fee Schedule for: a first violation; for any 2nd or subsequent violation committed within 12 months of a previous violation, subject to Wis. Stats. §938.37; and, subject to a maximum cumulative forfeiture amount of a fee as established annually on the Fee Schedule 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.
- (c) 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 Wis. Stats. §938.342 (1d) (c).

- (d) Suspension of the person's operating privilege for not less than 30 days nor more than one 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 duration of the suspension.
- (e) An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stats. §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. Any county department of human services or social services, community agency, 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 paragraph acting in good faith has immunity from any civil liability in excess of an amount established annually by the Common Council for any act or omission by or impacting on that person.
- (f) 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 their home if the person is accompanied by a parent or guardian.
- (g) An order for the person to attend an educational program as described in Wis. Stats. §938.34 (7d).
- (h) An order for the department of workforce development to revoke, under Wis. Stats. §103.72, a permit under Wis. Stats. §103.70 authorizing the employment of the person.
- (i) An order for the person to be placed in a teen court program as described in Wis. Stats. §938.342 (1g) (f).
- (j) A forfeiture of an amount set annually by the Common Council on the Fee Schedule, subject to Wis. Stats. §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.
- (k) 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.
- (l) An order placing the person under formal or informal supervision, as described in Wis. Stats. §938.34 (2), for up to one year.
- (m) 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.
- (n) 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 Wis. Stats. §938.342 (1g) (k).
- (o) An order to suspend the operating privilege of a person who is at least 16 years of age but less than 18 years of age and is a dropout. The court may suspend 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.

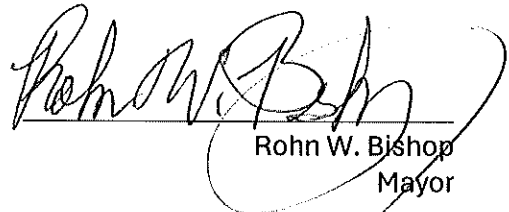
- (p) A court may order a school district to provide to the court a list of all persons who are known in the school district to be dropouts and who reside within the county in which the circuit court is located or the municipality in which the municipal court is located. Upon request, the department of transportation shall assist the court to determine which dropouts have operating privileges.

(3) No person 17 years of age or older shall, by any act or omission, knowingly encourage or contribute to the habitual truancy of a child. This section does not apply to a person who has under **their** control a child who has been sanctioned under Wis. Stats. §49.26(1)(h). 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 the act or omission would be to cause the child to be truant. A parent, legal custodian or guardian contributes to the truancy of a child if the parent, legal custodian or guardian fails to make a reasonable effort to assure that the child arrives at school in a timely manner.

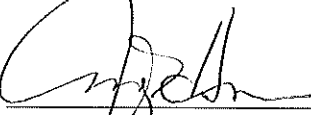
(4) This section be liberally interpreted to give effect to the compulsory school attendance provisions contained in Wis. Stats. §118.15.

SECTION 2: This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Adopted this 11th day of June, 2024.


Rohn W. Bishop
Mayor

ATTEST:


Angela J. Hull
City Clerk/Treasurer

