8.21 Truancy

(1) AUTHORITY: Wisconsin Statutes Sec. 118.163(2) authorizes the Village of Elkhart Lake to adopt a municipal truancy ordinance based on juvenile code sections 938.02(9m), 938.13(6), 938.17(2)(a), 938.17(2)(d), 938.17(2)(g), and 938.342, Wisconsin Statutes.

(2) DEFINITIONS: For the purpose of this ordinance:

(a) "Habitual truant" means a pupil who is absent from school without an acceptable excuse under section 118.15 of the Wisconsin Statutes, part or all of five or more days on which school is held during school semester.

(b) "Operating privilege" means the privilege given in section 340.01(40) of the Wisconsin Statutes.

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

(3) The Village of Elkhart Lake, by this ordinance, does prohibit any student within its jurisdiction from being a truant or a habitual truant as that term is defined in this ordinance. The Village of Elkhart Lake Police Department is authorized to issue a Village citation to any said student found within its jurisdiction who is determined to be truant or a habitual truant.

Any citation issued shall be returnable in the Village Municipal 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 no forfeiture amount is to be written on the face of this citation.

(4) (a) The Village of Elkhart Lake Police Department is authorized to issue a Village citation to any person who knowingly contributes to the truancy of any student found within its jurisdiction.

(b) PENALTIES. Any person who violates this section shall forfeit not more than $250.00, together with costs of prosecution and may be ordered to pay restitution and complete community service.

(5) DISPOSITION: Upon finding the child habitually truant, the court may impose the following dispositions:

(a) Suspension of the person's operating privilege for not less than 30 days nor more than one 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.

(b) An order for the person to attend school.

(c) A forfeiture of not more than $500.00, plus costs, subject to section 938.37 of the Wisconsin Statutes. All or part of the forfeiture, plus costs, may be assessed against the person, the parents or guardian of the person, or both.

(d) Completion of community service.

Upon finding a person a truant, the court may impose one or more of the following dispositions:

(a) An order for the person to attend school.

(b) 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 or subsequent violation committed within twelve months of a previous violation subject to section 938.37 of the Wisconsin Statutes and subject to a maximum cumulative forfeiture amount of not more than $500.00 for all violations committed during the 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) Completion of community service.