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Legislative Briefs

from the Wisconsin
Legislative Reference Bureau

Legislative Brief 98-16

July 1998

CHANGES IN WISCONSIN'S TRUANCY LAW

1997 Wisconsin Act 239, passed by the legislature and signed by Governor Tommy Thompson to take effect on June 18, 1998, revises Wisconsin's compulsory school attendance law and the laws governing truancy.

COMPULSORY SCHOOL ATTENDANCE

Under Wisconsin law, any person having control over a child between the ages of 6 and 18 could be fined up to \$500 and/or imprisoned for not more than 30 days for failing to ensure that the child attends school. Act 239, introduced as 1997 Assembly Bill 686 by Representatives Luther Olsen and Peggy Krusick and cosponsored by Senator Alberta Darling, continues this penalty for a first offense but adds a fine of up to \$1,000 and/or imprisonment of up to 90 days for subsequent offenses. A court may order community service work in lieu of other penalties or order the parent or guardian to attend school with the child. Act 239 also provides that if the parent or guardian proves he or she cannot comply with the law because of the child's disobedience, the action must be dismissed and the child referred to juvenile court.

A school attendance officer must request a meeting between the parent or guardian and school personnel within five school days after the parent or guardian is notified of the child's truancy, but the date may be extended for five school days with the parent's or guardian's consent.

Act 239 allows a parent or guardian to excuse a child from school prior to an absence. The school board may require the child to complete any school work missed during the absence. A child may not be excused, under this provision, for more than 10 days in a school year.

TRUANCY PLANS AND COUNTY TRUANCY PLANNING COMMITTEES

Act 239 stipulates that school boards must review and, if appropriate, revise their truancy plans every two years. In addition, county truancy planning committees are to be appointed at least once every four years to make recommendations to the school districts. In addition to other representatives, the county committees must include a parent of a public school pupil, a private school pupil, and a pupil in a home-based educational program.

TRUANT AND HABITUAL TRUANT

Act 239 continues to define a "truant" as a pupil who is absent from school without an acceptable excuse for part or all of a school day, but it modifies the existing definition of a habitual truant. A "habitual truant" is now defined as a pupil who is absent without excuse for part or all of five or more school days during a semester, whether consecutive or not.

MUNICIPAL ORDINANCES

Act 239 allows a municipality (county, city, village or town) to enact an ordinance prohibiting a minor child from being a truant. The ordinance must specify which of the following dispositions will be available to the municipal or juvenile court:

- an order for the person to attend school.
- A forfeiture of not more than \$50 plus costs for the first violation or a forfeiture of not more than \$100 plus costs for any subsequent violation committed within 12 months of the previous violation, subject to a maximum of \$500 for violations committed during a semester. All or part of the forfeiture may be assessed against the student, parent or guardian, or both.

Under previous Wisconsin law a municipality could enact an ordinance prohibiting habitual truancy and providing one or more dispositions to a municipal or juvenile court. These dispositions included suspension of a driver's license, counseling or a supervised work program, home detention, a teen court program, revocation of a work permit or an order to attend an educational program. Act 239 creates additional dispositions including:

- An order to attend school.
- Forfeiture of not more than \$500 plus costs to be assessed against the pupil or parent or guardian, or both.
- Any other reasonable conditions including curfew, restrictions on the use of specified premises or restrictions on associations.
- An order placing the pupil under formal or informal supervision for up to one year.
- An order for a pupil's parent or guardian to participate in counseling at his or her own expense or to attend school with the pupil, or both.

SANCTIONS

Under previous law when a juvenile or municipal court found that a juvenile had violated the conditions of a dispositional order for habitual truancy, the court could impose certain sanctions, including suspension of the juvenile's driver's license. If the juvenile violated a municipal ordinance and subsequently violated a court's dispositional order, sanctions could include placement in secure or nonsecure detention for up to 10 days. Act 239 allows a juvenile court to sanction a juvenile who is found in need of protection or services based on habitual truancy with placement in secure or nonsecure detention for up to 10 days. The use of a secure detention facility or a juvenile portion of a county jail for truancy sanctions requires a resolution by a county board authorizing those placements.

Act 239 also allows a juvenile or municipal court to sanction a juvenile who violates a dispositional order for violation of a municipal truancy ordinance. These sanctions may include suspension of a driver's license and other sanctions that may be imposed on a habitual truant except placement in secure or nonsecure detention.

FOR MORE INFORMATION

For copies of 1997 Wisconsin Act 239, contact the Legislative Reference Bureau at (608) 266-0342. Acts can be downloaded from the legislature's website at <http://www.legis.state.wi.us/billtrack.html>. For more detailed information about truancy regulation, contact the Department of Public Instruction, Bureau of Student Services, Prevention and Wellness, at (608) 267-9242.