

ORDINANCE NO. 2011-2

AN ORDINANCE TO CREATE SECTION 11.055 OF THE MUNICIPAL CODE OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN, RELATING TO TRUANCY AND DROPOUTS AND ESTABLISHING A PENALTY FOR VIOLATIONS THEREFOR

THE VILLAGE BOARD OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section I: Section 11.055 of the Municipal Code of the Village of Highland shall be and hereby is created to read as follows:

“11.055 TRUANCY AND DROPOUTS

(1) Definitions. As used in this section, the following definitions shall apply:

(a) “Truant” means a pupil who is absent from school without an acceptable excuse under Wis. Stat. sec. 118.15 and 118.16(4) for part or all of any day on which school is held during a school semester.

(b) “Habitual Truant” means a pupil who is absent from school without an acceptable excuse under Wis. Stat. sec. 118.16(4) and Wis. Stat. sec. 118.15 for part or all of five or more days on which school is held during a school semester.

(c) “Drop-out” has the meaning given in Wis. Stat. sec. 118.153(1)(b).

(2) Truancy Prohibited.

(a) No person within the Village limits of the Village of Highland who is under 18 years of age may be truant from school.

(b) The following dispositions shall be available to the Court upon a finding of a violation of subsection (a):

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

(ii) A forfeiture of not more than \$30.00 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 Wis. Stat. sec. 938.37 and subject to a maximum cumulative forfeiture amount of no 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.

(iii) A person who is under 17 years of age on the date of disposition is subject to Wis. Stat. sec. 938.342.

(3) Habitual Truancy Prohibited.

(a) No person within the village limits of the Village of Highland who is under 18 years of age may be habitually truant from school.

(b) The following dispositions shall be available to the court upon a finding of a violation of subsection (a).

(i) 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.

(ii) An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stat. sec. 938.34(5g). The cost 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.

(iii) 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.

(iv) An order for the person to attend an educational program as described in Wis. Stat. sec. 938.34(7d).

(v) An order for the Department of Workforce Development to revoke, under Wis. Stat. sec. 103.72, a permit under Wis. Stat. sec. 103.70 authorizing the employment of the person.

(vi) An order for the person to be placed in a teen court program as described in Wis. Stat. sec. 938.342(1g)(f).

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

(viii) A forfeiture of not more than \$500.00 plus costs, subject to Wis. Stat. sec. 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.

(ix) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specific premises and restrictions on associating with other children or adults.

(x) An order placing the person under formal or informal supervision, as described in Wis. Stat. sec. 938.34(2), for up to one year.

(xi) 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 attend school with the person, or both.

(c) A person who is under 17 years of age on the date of disposition is subject to Wis. Stat. sec. 938.342.

(4) Drop-Outs Prohibited.

(a) No person within the village limits of the Village of Highland under 18 years of age may drop out of school.

(b) The following dispositions shall be available to the Court upon a finding of a violation of subsection (a).

(i) Except as provided in subsection 2 below, the Court may suspend the operating privilege of a person who is at least 16 years of age but not less than 18 years of age until the person reaches the age of 18. 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.

(ii) The court may enter an order making any of the dispositions specified under Wis. Stat. sec. 938.342(1g) if the court finds that suspension of the person's operating privilege, as defined in Wis. Stat. sec. 340.01(40), until the person reaches the age of 18 would cause undue hardship to the person or the person's family.

(c) A person who is under 17 years of age on the date of disposition is subject to Wis. Stat. sec. 938.342.


**VILLAGE OF HIGHLAND SCHEDULE OF DEPOSITS FOR SECTION 11.055
VIOLATIONS**

(Add all court costs and surcharges to amounts listed)

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
11.055(2)	Truancy	\$30.00	\$100.00
11.055(3)	Habitual truancy	\$100.00	\$500.00
11.055(4)	Drop-out	\$200.00	\$500.00"

Section II: This ordinance shall take effect upon passage and posting as required by law.

Adopted and approved this 6th day of September 2011.


Thomas E. Pinch, Village President

COUNTERSIGNED:


Becky Fredericks, Village Clerk

Date Adopted: September 6, 2011
Date Recorded: October 11, 2011
Date Posted: October 11, 2011
Date affidavit filed: October 11, 2011
Effective Date: October 12, 2011