



"...meeting community needs...enhancing quality of life."

LEGAL SERVICES DIVISION

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TO: Members of the Safety and Licensing Committee
FROM: Darrin M. Glad, Assistant City Attorney
DATE: August 2, 2019
RE: Resolution #3-R-19/Siebers – Repealing the Truancy Ordinance
Our File No. A18-0887

As requested by this Committee, I was able to review multiple municipalities' codes online and review the dispositions for habitual truancy violations that are available by the respective municipality. I have created the comparative chart below in order to easily view the differences.

Wis. Stat. §118.163(2) allows for a municipality to enact an ordinance prohibiting a child from being habitually truant and allows for the court to order any of the following summarized dispositions:

- (a) Suspension of the person's operating privilege for not less than 30 days nor more than one year.
- (b) An order for the person to participate in counseling or a supervised work program or other community service work.
- (c) 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.
- (d) An order for the person to attend an educational program as described in s. 938.34 (7d).
- (e) An order for the department of workforce development to revoke, under s. 103.72, a permit under s. 103.70 authorizing the employment of the person.
- (f) An order for the person to be placed in a teen court program.
- (g) An order for the person to attend school.
- (h) A forfeiture of not more than \$500 plus costs, subject to s. 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.
- (i) 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.
- (j) An order placing the person under formal or informal supervision, as described in s. 938.34 (2), for up to one year.
- (k) 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.
- (L) An order for the person to report to a youth report center after school, in the evening, on weekends, on other nonschool 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 s. 938.342 (1g) (k).

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In the following chart, an “X” was placed if that disposition is allowed and the box was greyed-out if that disposition was not allowed by ordinance.

Municipality	Dispositions under Wis. Stat. §118.163 allowed:											
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(L)
Appleton	X	X	X	X	X	X	X	X	X	X	X	X
Waukesha								X				
Grand Chute	X						X	X	X			
Little Chute	X	X	X	X								
Kimberly	X	X	X	X			X	X	X	X	X	
Fox Crossing	X						X	X				
Menasha	X	X				X	X	X				
Neenah	X	X	X	X	X	X	X	X	X	X	X	
Oshkosh	X					X	X	X				

Please feel free to reach out to me if you have any questions.