



2005 ASSEMBLY BILL 821

November 9, 2005 - Introduced by Representatives KRUSICK, BERCEAU, LEHMAN, SEIDEL, SHERIDAN, TURNER and ZEPNICK, cosponsored by Senators OLSEN, DARLING and CARPENTER. Referred to Committee on Education.

1 **AN ACT to amend** 118.16 (5m) and 118.16 (6) (a) 2. c. of the statutes; **relating**
2 **to:** eliminating certain conditions that must be met before a proceeding may be
3 brought against a child under 12 years of age for habitual truancy or against
4 his or her parent or guardian for failure to cause the child to attend school
5 regularly.

Analysis by the Legislative Reference Bureau

Currently, the compulsory school attendance law requires, subject to certain exceptions, that a person having under his or her control a child six years of age or over cause the child to attend school regularly during the full period and hours that the school in which the child should be enrolled is in session until the end of the school term, quarter, or semester in which the child becomes 18 years of age, unless the child has an acceptable excuse for not attending school. Current law also permits counties, cities, villages, and towns to enact ordinances prohibiting a person under 18 years of age from being absent from school without an acceptable excuse for part or all of five or more days on which school is held during a school semester (habitual truancy). In addition, current law grants the court assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile court) exclusive jurisdiction over a juvenile alleged to be in need of protection or services on the grounds of habitual truancy. Current law requires, however, that before any proceeding may be brought against a child for habitual truancy or against the child's parent or guardian for failure to cause the child to attend school regularly, the school attendance officer must provide evidence that appropriate school personnel have done all of the following:

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1. Met with the child’s parent or guardian to discuss the child’s truancy or attempted to meet with the child’s parent or guardian but received no response or were refused.

2. Provided an opportunity for educational counseling to determine whether a change in the child’s curriculum would resolve the child’s truancy.

3. Evaluated the child to determine whether learning problems may be a cause of the child’s truancy and, if so, have taken steps to overcome the learning problems.

4. Conducted an evaluation to determine whether social problems may be a cause of the child’s truancy and, if so, have taken appropriate action or made appropriate referrals.

This bill eliminates for a child under 12 years of age the requirements that appropriate school personnel provide an opportunity for educational counseling for the child, evaluate the child for learning problems, and evaluate the child for social problems before a proceeding may be brought against the child for habitual truancy or against the child’s parent or guardian for failure to cause the child to attend school regularly. Accordingly, under the bill, the only requirement that must be met before bringing such a proceeding against a child under 12 years of age or the child’s parent or guardian is that appropriate school personnel have met or attempted to meet with the child’s parent or guardian. The bill, however, requires appropriate school personnel to provide an opportunity for educational counseling for a child under 12 years of age, to evaluate the child for learning problems, and to evaluate the child for social problems before a dispositional order is granted in such a proceeding.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 118.16 (5m) of the statutes is amended to read:

2 118.16 **(5m)** Subsection (5) (a) does not apply if a meeting under sub. (2) (cg)

3 3. is not held within 10 school days after the date that the notice under sub. (2) (cg)

4 is sent. Subsection (5) (b), (c), and (d) does not apply if the child is under 12 years

5 of age, except that, notwithstanding the bringing of a proceeding described in sub.

6 (5) against a child under 12 years of age, appropriate school personnel in the school

7 or school district in which the child is enrolled shall complete the activities specified

8 in sub. (5) (b), (c), and (d) before a dispositional order is granted in the proceeding.

9 Subsection (5) (b), (c), and (d) does not apply if the school attendance officer provides

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1 evidence that appropriate school personnel were unable to carry out the activity due
2 to the child's absences from school.

3 **SECTION 2.** 118.16 (6) (a) 2. c. of the statutes is amended to read:

4 118.16 (6) (a) 2. c. The child has not successfully completed participation in a
5 teen court program during the 2 years before the date on which the school attendance
6 officer received evidence that activities under sub. (5) have been completed or were
7 not required to be completed ~~due to the child's absence from school~~ as provided in sub.
8 (5m).

9 **SECTION 3. Initial applicability.**

10 (1) COMPULSORY SCHOOL ATTENDANCE AND HABITUAL TRUANCY VIOLATIONS. This act
11 first applies to truancy that occurs during the 2006-07 school year.

12 (END)