

No. 494, A.]

[Published July 12, 1949.

**CHAPTER 428.**

AN ACT to repeal 40.73 (5) (b); to renumber 40.73 (4), (5) (a) and (6) to be 40.73 (5), (6) (a) and (7); to amend 40.73 (1) and (2), 40.73 (5) (a) and (b) and (6) (a), as renumbered; and to create 40.73 (3), (4) and (6) (b) of the statutes, relating to school truancy.

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

SECTION 1. 40.73 (1) and (2) of the statutes are amended to read:

40.73 (1) In cities of the first class, the school board shall appoint welfare workers or attendance officers who, when employed, shall have and possess the legal authority

and powers of truant officers. To qualify for employment such welfare workers shall possess the legal qualifications required for teachers in such cities and, when employed, shall have all the rights and privileges of teachers \* \* \*. *In school districts other than cities of the first class, not under the jurisdiction of the county superintendent, the board of education shall appoint as truant officer any professional employe of the school system. In school districts under the jurisdiction of the county superintendent, the supervising teachers, the county superintendent and principals shall be truant officers.*

(2) \* \* \* A truant officer shall have the power to visit factories, workshops, mercantile establishments and other places of employment in his locality, and ascertain whether any minors are employed therein contrary to law. He \* \* \* shall require that the school certificates and lists of minors who are there employed shall be produced for inspection, and he shall report all cases of illegal employment to the proper school authorities and to the industrial commission. When a truant officer \* \* \* receives a delinquent report or learns by investigation or by personal observation that any child is unlawfully and habitually absent from school, he shall immediately \* \* \* proceed in accordance with the provisions of subsection (5).

SECTION 2. 40.73 (3) of the statutes is created to read:

40.73 (3) TRUANCY DEFINED. Truancy or delinquency shall consist of any absence from school during which the teacher or principal has not been notified officially of the cause of such absence by the parent or guardian of the absent pupil. In the case of illness for more than 3 days, or upon the request of the truant officer, a statement from the local health officer or nurse or attending physician shall be submitted.

SECTION 3. 40.73 (4), (5) (a) and (6) are renumbered to be 40.73 (5), (6) (a) and (7) of the statutes, respectively.

SECTION 4. 40.73 (4) of the statutes is created to read:

40.73 (4) REPORTS ON TRUANCY. City superintendents shall require the teachers under their supervision to report all absences daily to the truant officer, and all county superintendents shall require the teachers under their supervision and teaching in schools of 3 or more teachers to report all absences to the principal of said schools daily, and in all other schools under his supervision the county superintendent shall require the responsible teacher to report all absences to him at the end of each week of school.

SECTION 5. 40.73 (5) (b) of the statutes is repealed.

SECTION 6. 40.73 (5) (a) and (b) and (6) (a) of the statutes, as renumbered, are amended to read:

40.73 (5) (a) The truant officer shall, \* \* \* within 12 hours from his receipt of such delinquent report made as required by subsection (3m), or other information of delinquencies, give written notice \* \* \* by personal service to the parents or guardians of delinquent children, to send such children to some school \* \* \* at least by the next following day in which school is in session unless an excuse from the proper health or judicial authority is filed. The officer shall at once notify the \* \* \* school principal or responsible teacher in writing of such service of notice; and a return of the child to school shall be promptly reported by the \* \* \* school principal or responsible teacher to the truant officer \* \* \*. The failure of the child to return to school on the next school day shall be reported at once to the truant officer by the school principal or responsible teacher. The truant officer shall again give notice to the parent or guardian of the child, and notify the school administrator of such service in writing. If the child does not return to school on the day following the service of the second notice the truant officer shall proceed to take the necessary action in accordance with section 40.70 (3) of the statutes.

(b) The notice shall inform the parents \* \* \* as to the legal requirements for school attendance. A copy of section 40.70 shall be printed on the face or back of such notice. It shall be the duty of all truant officers, after having given such notice, to ascertain whether the parents have complied with the notice; and in case of failure to so comply, the officer shall immediately notify the industrial commission of such failure, and within 3 days the officer shall begin and prosecute criminal proceedings against offending parents.

(6) (a) Truant officers in cities shall receive such compensation as shall be fixed by the school boards. \* \* \*

SECTION 7. 40.73 (6) (b) of the statutes is created to read:

40.73 (6) (b) When the county superintendent, supervising teachers and principals are acting as truant officers, they shall receive their actual and necessary expenses incurred in the performance of their duties as truant officers.

Approved July 7, 1949.