



1997 ASSEMBLY BILL 373

May 22, 1997 - Introduced by Representatives SCHNEIDER, TURNER and AINSWORTH.
Referred to Committee on Education.

1 **AN ACT to amend** 118.15 (5) (am), 938.17 (2) (g), 938.245 (5), 938.32 (1) (a) and
2 938.342 (1m) (a); and **to create** 103.10 (3) (b) 4., 103.10 (6) (c), 118.163 (2) (g),
3 938.245 (2v) and 938.32 (1v) of the statutes; **relating to:** requiring the parent,
4 guardian or legal custodian of a person who is habitually truant from school and
5 a parent or guardian having control of a child who does not cause the child to
6 attend school regularly to attend school with that child.

Analysis by the Legislative Reference Bureau

Under current law, a parent or guardian having control of a child who does not cause the child to attend school regularly may be required to pay a fine and to attend counseling at his or her own expense. Also, under current law, a parent, guardian or legal custodian of a person under 18 years of age who is habitually truant, that is, the person is absent from school without an acceptable excuse for part or all of 5 or more days out of 10 consecutive school days or for part or all of 10 or more school days during a semester, may be required to attend counseling at his or her own expense. This bill permits the parent or guardian having control of a child who does not cause the child to attend school regularly and a parent, guardian or legal custodian of a person under 18 years of age who is habitually truant to be required to attend school with the child.

Under current law, an employe may take family leave for the birth or adoptive placement of a child or to care for a child, spouse or parent who has a serious health

ASSEMBLY BILL 373

condition. Currently, an employe is not entitled to receive wages or salary while taking family leave, but may substitute, for portions of family leave, paid or unpaid leave of any other type provided by the employer. This bill permits an employe to take family leave in order to attend school with his or her child, if required to do so under the bill.

For further information see the *state and 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.** 103.10 (3) (b) 4. of the statutes is created to read:

2 103.10 (3) (b) 4. To attend school with the employe's child if required to do so
3 under s. 118.15 (5) (am), 118.163 (2) (g), 938.245 (2v), 938.32 (1v) or 938.342 (1m) (a).

4 **SECTION 2.** 103.10 (6) (c) of the statutes is created to read:

5 103.10 (6) (c) If an employe intends to take family leave for the reason specified
6 in sub. (3) (b) 4., the employe shall give the employer advance notice of the school
7 attendance in a reasonable and practicable manner.

8 **SECTION 3.** 118.15 (5) (am) of the statutes is amended to read:

9 118.15 (5) (am) The court may order any person who violates this section to
10 participate in counseling at the person's own expense or to attend school with his or
11 her child, or both.

12 **SECTION 4.** 118.163 (2) (g) of the statutes is created to read:

13 118.163 (2) (g) An order for the person's parent, guardian or legal custodian to
14 participate in counseling at the parent's, guardian's or legal custodian's own expense
15 or to attend school with the person, or both.

16 **SECTION 5.** 938.17 (2) (g) of the statutes is amended to read:

17 938.17 (2) (g) If a municipal court finds that a juvenile violated a municipal
18 ordinance enacted under s. 118.163 (2), it shall enter a dispositional order under s.

ASSEMBLY BILL 373

1 938.342 (1), and may enter a dispositional order under s. 938.342 (1m), that is
2 consistent with the municipal ordinance. If a municipal court finds that a juvenile
3 violated a municipal ordinance enacted under s. 118.163 (2m), it shall enter a
4 dispositional order under s. 938.342 (2) that is consistent with the municipal
5 ordinance.

6 **SECTION 6.** 938.245 (2v) of the statutes is created to read:

7 938.245 (2v) If the deferred prosecution agreement is based on an allegation
8 that the juvenile has violated a municipal ordinance enacted under s. 118.163 (2), the
9 deferred prosecution agreement may require that the juvenile's parent, guardian or
10 legal custodian attend school with the juvenile.

11 **SECTION 7.** 938.245 (5) of the statutes is amended to read:

12 938.245 (5) A deferred prosecution agreement under sub. (2) (a) 1. to 8., (2g)
13 or (2v). may be terminated upon the request of the juvenile, parent, guardian or legal
14 custodian. A deferred prosecution agreement under sub. (2) (a) 9. may be terminated
15 by the court upon the request of the juvenile, parent, guardian or legal custodian.

16 **SECTION 8.** 938.32 (1) (a) of the statutes is amended to read:

17 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating
18 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile court
19 commissioner may suspend the proceedings and place the juvenile under
20 supervision in the juvenile's own home or present placement or in a youth village
21 program as described in s. 118.42. The court may establish terms and conditions
22 applicable to the parent, guardian or legal custodian, and to the juvenile, including
23 any of the conditions specified in subs. (1d), (1g), (1m), (1t), (1v) and (1x). The order
24 under this section shall be known as a consent decree and must be agreed to by the
25 juvenile; the parent, guardian or legal custodian; and the person filing the petition

ASSEMBLY BILL 373

1 under s. 938.25. If the consent decree includes any conditions specified in sub. (1g),
2 the consent decree shall include provisions for payment of the services as specified
3 in s. 938.361. The consent decree shall be reduced to writing and given to the parties.

4 **SECTION 9.** 938.32 (1v) of the statutes is created to read:

5 938.32 (1v) If the petition alleges that the juvenile is in need of protection or
6 services under s. 938.13 (6), the judge or juvenile court commissioner may establish
7 as a condition under sub. (1) that the juvenile's parent, guardian or legal custodian
8 attend school with the juvenile.

9 **SECTION 10.** 938.342 (1m) (a) of the statutes is amended to read:

10 938.342 (1m) (a) If the court finds that the person violated a municipal
11 ordinance enacted under s. 118.163 (2), the court may, in addition to or instead of the
12 dispositions under sub. (1), order the person's parent, guardian or legal custodian to
13 participate in counseling at the parent's, guardian's or legal custodian's own expense
14 or to attend school with the person, or both, if such a disposition is authorized by the
15 municipal ordinance.

16 **SECTION 11. Initial applicability.**

17 (1) SCHOOL ATTENDANCE BY PARENT, GUARDIAN OR LEGAL CUSTODIAN. The treatment
18 of sections 118.15 (5) (am), 118.163 (2) (g), 938.17 (2) (g), 938.245 (2v) and (5), 938.32
19 (1) (a) and (1v) and 938.342 (1m) (a) of the statutes first applies to the parent,
20 guardian or legal custodian of a person who becomes a habitual truant, as defined
21 in section 118.16 (1) (a) of the statutes, on the effective date of this subsection and
22 to a parent or guardian having control of a child who does not cause the child to
23 attend school regularly in violation of section 118.15 (1) (a) of the statutes on the
24 effective date of this subsection.

ASSEMBLY BILL 373

1 (2) FAMILY LEAVE FOR SCHOOL ATTENDANCE. The treatment of sections 103.10 (3)
2 (b) 4. and (6) (c) of the statutes first applies to an employe who is affected by a
3 collective bargaining agreement that is in effect on the effective date of this
4 subsection on the day after the collective bargaining agreement expires or on the day
5 on which the collective bargaining agreement is renewed, extended or modified,
6 whichever is earlier.

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(END)