STATE OF WISCONSIN VILLAGE OF SUMMIT WAUKESHA COUNTY

ORDINANCE NO. 148-2026

AN ORDINANCE TO REPEAL, RECREATE, AND RETITLE CHAPTER 20 ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS," ARTICLE I ENTITLED "IN GENERAL," SECTION 20-6 ENTITLED "RESERVED" OF THE VILLAGE OF SUMMIT VILLAGE CODE RELATED TO TRUANCY

WHEREAS, the Kettle Moraine School District has requested that an ordinance be adopted regarding truancy, which would be relatively consistent with truancy ordinances in other municipalities throughout the district; and

WHEREAS, the Village of Summit wishes to encourage school attendance by adopting an ordinance prohibiting student truancy; and

WHEREAS, Police Chief Michael Hartert has recommended that this ordinance be adopted, for this purpose; and

WHEREAS, the Village Board of the Village of Summit has carefully considered the matter and concludes that adoption of this ordinance will be in the best interest of the health, safety and welfare of the Village and its residents by encouraging school attendance.

NOW, THEREFORE, the Village Board of the Village of Summit, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 20 Entitled "Offenses And Miscellaneous Provisions," Article I Entitled "In General," Section 20-6 Entitled "Reserved" of The Village of Summit Village Code is hereby repealed, recreated and titled as follows as follows:

**Sec. 20.6 - TRUANCY.**

(a) DEFINITIONS.

(1) "Truancy" means any absence for part or all of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil, and also intermittent attendance carried on for the purpose of the defeating of the intent of the compulsory school attendance provisions of Wis. Stats. §118.15.

(2) "Truant" means a pupil who is absent from school without an acceptable excuse under Wis. Stats. §§118.15 and 118.16 (4), for part or all of any day on which school is held during a school semester.

(3) "Habitual truant" means a pupil who is absent from school without an acceptable excuse under Wis. Stats. §§118.15 and 118.16 (4), for part or all of 5 or more days on which school is held during a school semester.

(4) "Acceptable excuse" means those circumstances in which compulsory attendance is not required, pursuant to Wis. Stats. §§118.15 and 118.16(4)

(b) PROHIBITIONS.

(1) Any person under the age of 18 years of age found to be truant as defined herein shall be subject to one or more of the following dispositions:

a. An order for the juvenile to attend school;

b. Subject to Wis. Stats. §938.37, a forfeiture of not more than $50.00 plus costs for a first violation or a forfeiture of not more than $100.00 plus costs for any second violation committed within 12 months of a prior violation, subject to a maximum cumulative forfeiture amount of not more than $500.00 for all violations committed during a school semester.

c. All or part of the forfeiture plus costs may be assessed against the juvenile, the juvenile's parents or guardian of the juvenile, or both.

(2) Any person under the age of 18 found by the court to be a habitual truant shall be subject to one or more of the following:

a. Suspension of the person's operating privilege for not less than 30 days nor more than one year, as defined in Wis. Stats. §340.01(40). The court shall immediately notify the Department of Transportation with a notice stating the reason for and the duration of the suspension.

b. An order for the juvenile to participate in counseling, a supervised work program or other community service as described in Wis. Stats. §938.34(5g). The costs of any such counseling, supervised work program or other community service may be assessed against the juvenile, parents or guardian of the juvenile, or both.

c. An order for the juvenile to remain at home except during hours in which the juvenile is attending religious worship or a school program including travel time required to get to and from the place of worship or school program. The order may permit the juvenile to leave his/her home if the juvenile is accompanied by a parent or guardian.

d. An order for the juvenile to attend an educational program as described in Wis. Stats. §938.34(7d).

e. An order for the juvenile to attend school.

f. Subject to Wis. Stats. §938.37, a forfeiture of not more than $500.00 plus costs for each occurrence. All or part of the forfeiture plus costs may be assessed against the juvenile, the juvenile's parents or guardian, or both.

g. 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.

h. An order placing the juvenile under formal or informal supervision as set forth in Wis. Stats. §938.34(2), for up to one year.

i. An order for the juvenile's parents, 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 juvenile, or both.

(c) CONTRIBUTING TO TRUANCY.

(1) Except as provided below, any person 17 years of age or older who, by act or omission, knowingly encourages or contributes to the truancy of a juvenile shall be subject to a forfeiture of not more than $500.00 plus costs.

(2) Subsection (1) does not apply to a person who has under his or her control a juvenile who has been sanctioned under Wis. Stats. §49.26(1)(h).

(3) An act or omission contributes to the truancy of a juvenile whether or not the juvenile is adjudged to be in need of protection or services if the natural and probable consequences of that act or omission would be to cause the child to be truant.

SECTION 2: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 14th day of May, 2026.

VILLAGE OF SUMMIT

By: _____
Jack Riley, Village President

Attest: _____
Debra Michael, Village Administrator – Clerk/Treasurer

Published/Posted the ____ day of _____ 2026.