

ORDINANCE NO 18-19
PORTER COUNTY BOARD OF
COMMISSIONERS
AN ORDINANCE AMENDING
TITLE 9 CHAPTER 9.20
"TRUANCY"

WHEREAS, the Porter County Board of Commissioners adopted the Porter County Municipal Code on Tuesday December 2nd, 1997 pursuant to Ordinance No. 97-38; and

WHEREAS, the Porter County Board of Commissioners has deemed it necessary to amend Title 9; and

WHEREAS, I.C. 36-1-3-2 grants the Board of County Commissioners all the powers that they need for the effective operation of government as to local affairs; and

WHEREAS, I.C. 36-1-3-6 states that if there is no constitutional or statutory provision requiring a specific manner for exercising a power, the Board of County Commissioners may adopt an ordinance prescribing a specific manner for exercising a power; and

WHEREAS, Title 9, Chapter 9.20 Truancy shall be added as follows:

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED THAT:

1. Title 9, PUBLIC PEACE, MORALS AND WELFARE in the Porter County Municipal Code is hereby amended through the addition of Chapter 9.20 entitled "Truancy".

2. That Section 9.20.10 is added to the Porter County Municipal Code to read as follows:
"Definitions"

1. "Attend" shall have the meaning set forth in I.C. 20-33-2-3.

3. That Section 9.20.20 is added to the Porter County Municipal Code to read as follows:
"Child found not in school"

Any Child who: Is required to attend school under IC-20-33-2; and

(l) Is found during school hours, unless accompanied:

a. By a parent; or

b. With the consent of a parent, by a relative by blood or marriage who is at least eighteen (18) years of age;

In a public place, in a public or private conveyance, or in a place of business open to the public may be taken into custody pursuant to I.C. 20-33-2-23. Any child taken into custody under this section shall immediately be taken to the principal of the public or nonpublic school in which the child is enrolled. If the child is not enrolled in any school, then the officer shall deliver the child into the custody of the principal of the public school in the attendance area in which the child resides.

If a child is taken to the appropriate school and the principal is unavailable, the acting chief administrative officer of the school shall take custody of the child.

4. That Section 9.20.30 is added to the Porter County Municipal Code to read as follows:

"Parental responsibility for school attendance"

(a) It shall be unlawful for a parent to fail to ensure that the parent's child attends school as required by I.C. 20-33-2.

(b) Before proceedings are instituted against a parent for a violation of this subsection, personal notice of the violation shall be served on the parent by the superintendent or the superintendent's designee:

a. Having jurisdiction over the public school where the child has legal settlement; or

b. of the transferee corporation, if the child has been transferred.

(c) Each day of violation shall constitute a separate offense.

This ordinance passed and adopted this 14th day of Aug., 2018.

BOARD OF COMMISSIONERS
PORTER COUNTY, INDIANA

Jeff Good, President

Laura Blaney, Vice President

Jim Biggs

Attest: Vicki Urbanik, Auditor

I affirm under the penalties for perjury that I have taken reasonable care to redact each social security number in this document unless required by law

Scott R. McClure, County Attorney

9/4/18 - hspaxlp