

WISCONSIN

Compulsory Attendance Ages:	between the ages of 6 and 18 or until the student “has graduated from high school.” Wisconsin Statutes § 118.15
Required Days of Instruction:	“at least 875 hours of instruction each school year” (July 1 to June 30). Wis. Stat. §§ 118.15(4), 118.165(c).
Required Subjects:	Reading, language arts, math, social studies, science and health. Wis. Stat. § 118.165(d).

Home School Statute: Wis. Stat. §§ 118.15(4), 118.165(1).

1. Definition: A “home-based private educational program” is a program of educational instruction provided to a child by the child’s parent or guardian or by a person designated by the parent or guardian. An instructional program provided to more than one family is not a home-based private educational program. Wis. Stat. § 115.001(3g). However, a home schooling parent can be “a person designated” by another parent to do the teaching for their student. In this case, however, the parents should still file a statement of enrollment (see #2 below) for their own children.
2. Not sooner than September’s 3rd Friday, and not later than October 15 each year, the administrator of each public, private, or homeschool program is required to report to the Department of Public Instruction (DPI) the number of students enrolled in elementary grades and in high school grades as of the third Friday in September. Wis. Stat. § 115.30(3). Supplying the student’s name, age, gender, school district of residence, physical address, or specific grade level is not required. The statute requires an administrator to use the DPI’s form. However, the DPI has ceased making a form available, abdicating its statutory duty. Instead, it says families must use the DPI’s online report process. We believe this is not consistent with the law, and therefore we continue to make the paper form (“PI 1206”) available on the members-only section of our website for those who prefer to use an actual form. If you use the paper form, it is important to keep a copy and mail the form certified mail, return receipt requested, and keep the postal receipt in your permanent records. (The DPI will not keep a copy).

The statute requires each homeschool and private school administrator to report on the form whether his program meets criteria (a) through (e) in § 118.165(1) (see next numbered paragraph).

The filing of the report is mandatory, and provides important benefits, but failure to file the form does not cause the students of the public, private, or home instruction program to be in violation of the compulsory attendance law. The statute does not require “updating” the report if circumstances change. It is a simple snapshot of where every child was being lawfully educated in September. No report is required until the following year if starting a homeschool program after September’s 3rd Friday.

3. “Instruction in a home-based private educational program that meets all of the criteria under § 118.165(1) may be substituted for attendance at public or private school.” Wis. Stat. § 118.15(4). The § 118.165(1) criteria are:

- a. “Primary purpose of the program is to provide private or religious-based education;”
 - b. “The program is privately controlled;”
 - c. The program provides at least 875 hours of instruction;
 - d. The program “provides a sequentially progressive curriculum of fundamental instruction” in the Required Subjects: (which “does not require the program to include in its curriculum any concept, topic or practice in conflict with the program’s religious doctrines,”); and
 - e. The program is not operated to circumvent the compulsory attendance law.
4. This statute was the result of the Supreme Court of Wisconsin’s decision in *Wisconsin v. Popanz*, 332 N.W.2d 750 (Wis. 1983) which held that the former law was “void for vagueness insofar as it fails to define private school.” *Popanz*, 332 N.W.2d at 756.
 5. In *Wisconsin v. Yoder*, 406 U.S. 205 (1972), the U.S. Supreme Court stated “this case involves the fundamental interest of parents, as contrasted with that of the State, to guide the religious future and education of their children.... This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition.” *Yoder*, 406 U.S. at 232.

The Court said “and when the interests of parenthood are combined with a free exercise claim... more than merely a reasonable relation to some purpose within the competency of the State is required to sustain the validity of the State’s requirement under the 1st Amendment.” *Id.* at 233.

The Court concluded “the First and Fourteenth Amendments prevent the State from compelling respondents [Amish] to cause their children to attend formal high school....” *Id.* at 234.

6. Wisconsin statute §119.23(7)(b)(3) acknowledges that the administrator of a home-based private educational program (usually the parent) can grant a high school diploma. (Section 3382r of Act 55, 2015)

Teacher Qualifications: None.

Standardized Tests: None.

PLEASE NOTE: Children enrolled in a virtual charter school, public on-line school, or public school independent study program are not eligible for HSLDA membership. Enrollment in these secular programs is enrollment in public school, which gives the public school authority over the student to impose state assessment, approval of curriculum, and supervision by a certified teacher. HSLDA membership extends only to students whose education is primarily administered and controlled by parents privately. If you have any questions please call our office.