



## Answers to Frequently Asked Compulsory School Attendance Questions



# **Answers to Frequently Asked Compulsory School Attendance Questions**

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**Wisconsin Department of Public Instruction**

**Carolyn Stanford Taylor, State Superintendent  
Madison, Wisconsin**

This publication is available from:

Student Services/Prevention and Wellness Team  
Wisconsin Department of Public Instruction  
125 South Webster Street  
P.O. Box 7841  
Madison, WI 53707-7841  
(608) 266-8960

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## Introduction

This document outlines the rights and responsibilities related to attendance in Wisconsin public schools. As part of the section entitled Compulsory School Attendance Enforcement, the responsibilities of both parents/guardians and public school officials to compel students to attend school on a regular basis are described.

The document organizes the above information in a question and answer (Q and A) format. The answers provided are formulated through reviews of case law, Attorney Generals' opinions, and DPI policies and procedures. The statutory citations are found in Compulsory School Attendance, Wis. Stat. sec. 118.15, and School Attendance Enforcement, Wis. Stat. sec. 118.16. Finally, the reference to free public education is located in article X, section 3, of the Wisconsin Constitution.

We hope that this document can provide answers to the questions the reader has related to compulsory school attendance and attendance enforcement. It is not uncommon for the interpretation of statutes and the application of those same laws to be viewed quite differently by interested parties. When that occurs, it is necessary to attempt to achieve resolution of those disputes at the local level. Both constitutional and statutory powers of the state superintendent and the department are extremely limited in serving as an avenue of appealing enrollment and attendance cases. This is due in large part to our state's strong reliance on a system of "local control." While department staff can attempt to clarify options available, ultimately parties will need to attempt negotiation of disputes through local channels.

The Department of Public Instruction frequently receives questions about various issues pertaining to educating students. It is the purpose of this bulletin to answer questions frequently asked. The answers given are not intended to serve as legal advice and cannot substitute for legal guidance in specific cases. The citations are to the Wisconsin Statutes that are available at any public library.

Additional resources, including web sites of interest, are referenced in the appendix.



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# Compulsory Attendance

## 1. Are students required to stay in school until age 18?

Yes, students are required to stay in school until they graduate or until the end of the school term, quarter, or semester during which they turn 18 years of age, Wis. Stat. sec. [118.15\(1\)\(a\)](#). Instruction in a home-based private educational program (home schooling) that meets the criteria in Wis. Stat. sec. [118.165\(1\)](#), may be substituted for attendance at a public or private school, Wis. Stat. sec. [118.15\(4\)](#).

Note: Special provisions apply for five-year-old kindergarten compulsory school attendance and first grade admission. See [Appendix A](#) for a link to more information.

## 2. When can students leave school even though they have not graduated?

Students may leave school at the end of the school term, quarter, or semester during which they turn 18 years of age, Wis. Stat. sec. [118.15\(1\)\(a\)](#). Because there is juvenile court jurisdiction under the Wisconsin Statutes only until age 18, it is unlikely that a student leaving on his/her 18th birthday (if it occurs before the end of the term) can be referred to court.

## 3. When may a student be excused from school attendance?

Pupils attending public school may be excused by the school board under the following circumstances. Local policy should be consulted to determine how these provisions are implemented at the school district.

Under Wis. Stat. sec. [118.15\(3\)](#), exceptions to compulsory school attendance include:

- Any child who is excused by the school board because the child is temporarily not in proper physical or mental condition to attend a school program but who can be expected to return to a school program upon termination or abatement of the illness or condition. The school attendance officer may request the parent or guardian of the child to obtain a written statement from a licensed physician, dentist, chiropractor, optometrist, psychologist, physician assistant, or nurse practitioner, as defined in Wis. Stat. sec. [255.06\(1\)\(d\)](#), or certified advanced practice nurse prescriber, or Christian Science practitioner living and residing in this state, who is listed in the *Christian Science Journal*, as sufficient proof of the physical or mental condition of the child. An excuse under this paragraph shall be in writing and shall state the time period for which it is valid, not to exceed 30 days.
- Any child excused by the school board in accordance with the school board's written attendance policy under Wis. Stat. sec. [118.16\(4\)](#), and with the written approval of the child's parent or guardian. The child's truancy, discipline or school achievement problems or disabilities as described in Wis. Stat. sec. [115.76\(5\)](#), may not be used as the reason for an excuse under this paragraph. The excuse shall be in writing and shall state the time period for which it is effective, not to extend beyond the end of the current school year.
- Any child excused in writing by his or her parent or guardian before the absence. The school board shall require a child excused under this paragraph to complete any

course work missed during the absence. A child may not be excused for more than 10 days in a school year under this paragraph.

- Any child excused in writing by his or her parent or guardian and by the principal of the school that the child attends for the purpose of serving as an election official under Wis. Stat. sec. [7.30\(2\)\(am\)](#). A principal may not excuse a child under this paragraph unless the child has at least a 3.0 grade point average or the equivalent. The principal shall allow the child to take examinations and complete course work missed during the child's absences under this paragraph. The principal shall promptly notify the municipal clerk or the board of election commissioners of the municipality that appointed the child as an election official if the child ceases to be enrolled in school or if the child no longer has at least a 3.0 grade point average or the equivalent.

Under Wis. Stat. sec. [118.15\(4\)](#), instruction in a home-based private educational program that meets all of the criteria under Wis. Stat. sec. [118.165\(1\)](#), may be substituted for attendance at a public or private school.

#### **4. Aside from excused absences, what are the alternatives to regular, full-time school attendance?**

For children identified as at risk of not graduating high school under Wis. Stat. sec. [118.153](#), there are exceptions to the regular school attendance, specifically:

- A student who is 16 years of age or older and a child at risk as defined in Wis. Stat. sec. [118.153](#), may request and a school board is required to allow that student to attend, in lieu of high school or on a part-time basis, a technical college if the student is working toward a high school diploma, Wis. Stat. sec. [118.15\(1\)\(b\)](#). Written parental permission is required.
- A student who is 16 years of age or older may be excused by the school board from regular school attendance if the student and his/her parent or guardian agree, in writing, that the child will participate in a program or curriculum modification as listed under Wis. Stat. sec. [118.15\(1\)\(d\)](#), leading to the child's high school graduation, Wis. Stat. sec. [118.15\(1\)\(c\)](#).
- A student who is 17 years of age or older may, with the written permission of his/her parents, be excused by the school board from regular attendance to participate in a program or curriculum modification leading to the student's high school graduation or to a high school equivalency diploma under Wis. Stat. sec. [115.29\(4\)](#) and [118.15\(1\)\(c\)2](#).
- A student who is 17 years of age or older and who began a program leading to a high school equivalency diploma in a secured correctional facility, juvenile detention center, or county jail may request and the school board shall allow the student to continue to participate in such program, Wis. Stat. sec. [118.15\(1\)\(cm\)](#).

A curriculum modification request may be made to the school board under Wis. Stat. sec. [118.15\(1\)\(d\)](#):

- Any child's parent or guardian, or the child if the parent or guardian is notified, may request the school board, in writing, to provide the child with program or curriculum modifications, including but not limited to:
  - Modifications within the child's current academic program.

- A school work training or work study program.
- Enrollment in any alternative public school or program located in the school or district in which the child resides.
- Enrollment in any nonsectarian private school or program located in the school district in which the child resides, which complies with the requirements of 42 USC 2000d. Enrollment of a child under this subdivision shall be pursuant to a contractual agreement which provides for the payment of the child's tuition by the school district.
- Home-bound study, including nonsectarian correspondence courses or other courses of study approved by the school board or nonsectarian tutoring provided by the school in which the child is enrolled.
- Enrollment in any public educational program located outside the school district in which the child resides. Enrollment of a child under this subdivision may be pursuant to a contractual agreement between school districts.

The school board must send the parent a decision in writing within 90 days of the request and, if it denies the request, the reason for denial must be provided.

**5. When must a parent/guardian file a PI-1206 Home-Based Private Educational Program enrollment form with the Department of Public Instruction? (Updated October 2020)**

Under current law, homeschooling parents are required to file the online PI-1206 homeschool report annually, on or before October 15. The earliest a PI-1206 Homeschool Enrollment Report can be submitted for a new school year is July 1st. However, the PI-1206 report is available at any time during the school year. If a parent withdraws their child from a public or private school after October 15, the online PI-1206 report should be submitted or updated on or before the date the student ceases to attend the school. A student is considered officially enrolled in the home-based program on the date the online PI-1206 Homeschool Enrollment is completed and submitted.

Under Wis. Stat. [§115.30\(3\)](#), no school district can compel the submission of the form prior to October 15. If a parent communicates to their resident district their intent to homeschool their student(s), a district should consider that sufficient notice up to the October 15 deadline to submit a PI-1206 form.

Under Wisconsin law, enrollment in a home-based private educational program is a substitute for attendance at a public or private school under the compulsory school attendance law, which begins at age six. Since children under age six are not subject to the compulsory school attendance law, it is not possible to enroll a child in a homeschool program for four- or five-year-old kindergarten. If a child will not reach age six on or before September 1, it is not necessary for the parent to submit report PI-1206 to enroll him/her in a homeschool program for that school year. If a child will reach age six on or before September 1, it is necessary to submit a PI-1206 Report.

**6. Does a parent need to file a PI-1206 Home-Based Private Educational Program registration form if the parent's child will be enrolled in a correspondence or virtual school offered by a private company or a public institution outside Wisconsin? (Updated October 2020)**

In Wisconsin, there are essentially two types of "virtual" or online programs in which a

child can enroll: 1) a program offered by a private company that may be based anywhere in the country; and, 2) a program offered by a public Wisconsin charter school.

If a child is enrolled in a program offered by an out-of-state school or private company, he/she would be considered enrolled in a homeschooling program. The parent/guardian must submit the PI-1206 Homeschool Enrollment Report and pay tuition to that entity. The parent/guardian of the homeschooled student would be responsible for ensuring that the program in which the child is enrolled meets the requirements of Wisconsin state law. The state does not approve or accredit any home-based private educational programs, including those offered by private online or correspondence companies. Such companies may or may not award a diploma or certificate upon completion of certain courses.

The second option is to enroll a child in one of the Wisconsin public school districts that offers a “virtual charter school.” Although children who are enrolled in a virtual charter school receive instruction at home, each virtual charter school is “located” in a particular school district. If the school district in which the child lives (the “resident school district”) does not operate a virtual charter school, or the parent/guardian wishes to enroll the child in a virtual charter school offered by another school district, the parent/guardian would need to apply for open enrollment. The public school open enrollment program permits a parent to apply for their child to attend a public school, which can be a virtual charter school, in a school district other than the parent’s resident district, without having to pay nonresident tuition. Information on applying for open enrollment is available on the department’s open enrollment website at:

<https://dpi.wi.gov/open-enrollment>

**7. Does a parent need to file a PI-1206 Home-Based Private Educational Program registration form if the parent’s child will be enrolled in a Wisconsin-based virtual charter school?**

No. Wisconsin charter schools are public schools and all children enrolled in these schools are public school students.

**8. Can a school district refuse to enroll a resident student in school?**

In general, no. The Wisconsin Constitution guarantees a free education for children ages 4 through 20 who have not graduated from high school. The requirement of the local school district to provide free public elementary and secondary education to resident children is stated in Wis. Stat. sec. [121.77\(1\)](#), as follows: “Every elementary school and high school shall be free to all pupils who reside in the district.” For school attendance purposes, a child

is a resident of the district where he or she lives, regardless of where his or her parent lives, unless he is there “for the sole purpose of having the privileges of the public school of the district to which he may be transferred.” *State Ex Rel. School-District Board V. Thayer, State Superintendent*, 74 Wis. 48, 41 N.W. 1014, 1017 (1889). This rule has been consistently followed by the courts. See *State Ex Rel. Smith V. Board Of Education of City Of Eau Claire*, 96 Wis. 95, 71 N.W. 123 (1897) and *Kidd V. Joint School Dist. No. 2, City Of Richland Center And Town Of Richland*, 194 Wis. 353, 216 N.W. 499 (1927). Contrary to some beliefs, no case or state statute has imposed a requirement that the pupil intends to remain in the district for any particular time.

A school district may deny education services only if a student is not a resident of the district (as described above) or if a student is currently expelled from another Wisconsin public school district, Wis. Stat. sec. [119.25](#) and [120.13\(1\)\(f\)](#). No school board is required to enroll a pupil during the term of his/her expulsion from a public school in another state or from a charter school established under s. 118.40 (2r), Wis. Stats., if the school board determines the conduct giving rise to the pupil's expulsion would have been grounds for expulsion under state law, s. 120.13 (1) (f) 2 and 3, Wis. Stats.

If the currently expelled student is a child with a disability, the resident district continues to have FAPE responsibility. Under federal and state law, LEAs must locate, identify, evaluate, and provide a free appropriate public education to all children with disabilities, including children who have been expelled from school. A school district cannot refuse an IEP team evaluation because a child has been expelled from another school district. A school district cannot refuse to provide a free appropriate public education to a child with a disability expelled from another school district. However, the school board may provide the services to the child in a setting other than one of the district's schools, as determined by the IEP team.

**9. Must a school district provide educational services immediately to a student transferring from another school, district, or state?**

A school district must enroll and serve a resident student immediately. If the board’s written attendance policy permits and with parental agreement, enrollment of a high school student may include a period of assessment if the absence from school was a consequence of the student’s truancy or upon the student’s return to school from placement in a correctional facility, mental health treatment facility, alcohol and other drug abuse treatment facility, or other out-of-school placement. See Wis. Stat. sec. [118.16\(4\)\(cm\)1.](#), for conditions and limitations.

**10. Often, a new student’s pupil records are not transferred from the previous school district for some days after the new student enrolls in school. Can the school district postpone beginning instruction until the records arrive, in order to adequately plan the student’s educational program?**

No, there is no provision in law to permit a delay in educational services in this circumstance. Parents and students may be able to share what classes and services the student was enrolled in previously. More information can also be obtained by contacting the previous school district. These strategies may help guide initial placement in classes and activities until the pupil records arrive.

If the student has an Individual Education Plan (IEP), the district must provide FAPE, including services comparable to those described in the child's IEP until either the district adopts the IEP or develops a new IEP. If the student is transferring from a public agency in another state within the same school year, the district must provide FAPE, including services comparable to those described in the child's IEP from out of state, and conduct an evaluation to determine eligibility and develop, adopt, and implement a new IEP if appropriate.

If a school district enrolls a student without an IEP and then, subsequently, learns from the student's records that the student is currently expelled from another Wisconsin public school district, consistent with Wis. Stat. sec. 120.13(1)(f), the school district may, consistent with the board's policy, elect not to provide educational services to the student. This provision only applies to expulsions from Wisconsin public schools. See the Wisconsin Attorney General's opinion that a school district may not refuse to enroll a pupil merely because he or she has been expelled from a private school or public school in another state. OAG 5-08.

If the district enrolls a student with an IEP and, subsequently, learns from the student's records that the student is currently expelled from a Wisconsin public school district, the district continues to have FAPE responsibility. Under federal and state law, LEAs must locate, identify, evaluate, and provide a free appropriate public education to all children with disabilities, including children who have been expelled from school. A school district cannot refuse an IEP team evaluation because a child has been expelled from another school district. A school district cannot refuse to provide a free appropriate public education to a child with a disability expelled from another school district. However, the school board may provide the services to the child in a setting other than one of the district's schools, as determined by the IEP team.

**11. Must an adult who has a school-age child under his/her control still comply with the compulsory education law even if the child has been expelled?**

A child who has been expelled is still required to attend school under Wis. Stat. sec. 118.15(1)(a). Alternative options include enrollment in a private school, correspondence school, technical college, or home-based private educational program.

**12. Are technical colleges required to enroll students who are expelled?**

No, however attendance is permitted under Wis. Stat. sec. 38.22(1) and (1s), subject to approval of the local technical college. For additional information, please see Contracting with Technical Colleges at <http://dpi.wi.gov/alternative-education>.

## Compulsory School Attendance Enforcement

**13. At what age is compulsory attendance enforced?**

Any person having under his/her control a child who is between the ages of 6 and 18 years and has not graduated from high school shall cause the child to attend school regularly during the full period and hours, religious holidays excepted, that the public or private school in which the child should be enrolled is in session until the end of the school term, quarter, or semester of the school year in which the child becomes 18 years of age, Wis. Stat. sec. 118.15(1)(a).

#### **14. Who determines if an absence is excused?**

The school board must establish a written policy specifying the reasons for which pupils may be permitted to be absent from school, Wis. Stat. sec. 118.16(4)(a).

However, parents may excuse their child's absence in writing before the absence. A child may not be excused for more than 10 days in a school year under this provision, Wis. Stat. sec. 118.15(3)(c).

The board may excuse children who are temporarily not in proper physical or mental condition to attend school but can be expected to return to school upon termination or abatement of the illness or condition, Wis. Stat. sec. 118.15(3)(a). An excuse under this paragraph shall be in writing and shall state the time period for which it is valid not to exceed 30 days.

#### **15. Is there a limit to how many days a student may be excused from school because of illness?**

No. There is no limit in state law regarding how many days a student may be excused from school because of illness. A school district defines excused and unexcused absences within its local attendance policy, typically shared with parents in the form of a student handbook. While a physician's statement or excuse is not required, the school attendance officer may request the parent or guardian of the child to obtain a written statement from a licensed physician, dentist, chiropractor, optometrist, psychologist, physician assistant, nurse practitioner, as defined in Wis. Stat. sec. 255.06(1)(d), certified advanced practice nurse practitioner, or Christian Science practitioner living and residing in this state, who is listed in the *Christian Science Journal*, as sufficient proof of the physical or mental condition of the child. Any excuse is to be in writing and state the time period for which it is valid, not to exceed 30 days, Wis. Stat. sec. 118.15(3)(a).

Student absences due to illnesses or injury of a student not identified as a child with a disability may require referral and assessment for special education services. For students with an IEP, if an extended or recurring absence is anticipated, an IEP meeting should be held to address how and what services should be provided during or following the absences. Furthermore, for a student with an IEP, the department recommends that an IEP team meeting should be held prior to the 11th consecutive date of absence.

#### **16. What are the strategies for promotion of attendance when a student has frequent absences due to a chronic health care concern?**

When a student is sick with chronic health problems, it can be difficult to know how to improve that child's attendance. Here are some possible strategies which may be helpful.

School staff (school nurse, public health nurse, social worker, etc.) may, with parental consent, communicate with the student's medical provider. This strategy can help the school district's staff understand what medications, procedures, and preventative measures that the school may need to have in place during the school day to accommodate the student's health care needs. Before the school staff contact the medical provider, it is required that you obtain a release of medical information from the parent or guardian. Patient health care information has a higher level of protection than pupil records. More information on needed

documentation in a release of medical information is available at <http://dpi.wi.gov/sspw/pupil-services/school-social-work/publications/confidential-services>.

For students and families that are uninsured, school staff may provide families information about public insurance benefits, such as Medicaid and BadgerCare Plus. They may also be able to refer the student to low-cost or free medical clinics in the area. More information is available at <http://dhs.wisconsin.gov/badgercareplus/>, Covering Kids and Families Wisconsin at <http://www.ckfwi.org>, and Wisconsin Department of Health Services, Forward Health at: <http://dhs.wisconsin.gov/ForwardHealth>.

### **17. What is truancy and habitual truancy? (Updated October 2020)**

A student is considered truant if he/she is absent without an acceptable excuse for all or part of one or more days during which school is held. A student qualifies to be habitually truant when he/she is absent without an acceptable excuse all or part of five or more days in a school semester, Wis. Stat. sec. [118.16\(1\)\(a\)](#) and [\(c\)](#).

Instruction in a home-based private educational program that meets all of the criteria under s. [118.165\(1\)](#) may be substituted for attendance at a public or private school, so long as the program is not operated or instituted for the purpose of avoiding or circumventing the compulsory school attendance requirement, Wis. Stat. §§ [118.15\(4\)](#), [118.165\(1\)\(e\)](#).

### **18. How is “part of a day” defined?**

Each school district determines what constitutes “part of a day.” For instance, a district might define “part of a day” as a few minutes tardy, missing one hour, or missing half of a day.

### **19. What must the school do if a student is truant?**

The school attendance officer must notify the parent(s) and direct the parent to return the child to school or provide an excuse. Notification must occur by the end of the second school day after receiving a report of the unexcused absence. The notice may be made by personal contact, mail, or telephone call of which a written record is kept, except that notice by personal contact or telephone call shall be attempted before notice by mail may be given, Wis. Stat. sec. [118.16\(2\)\(c\)](#).

If a student misses part or all of five (5) or more days without an acceptable excuse in a school semester, the student is “habitually truant” and a truancy referral may be made by the school against the student under Wis. Stat. sec. [118.16\(5\)](#), to the juvenile court intake worker or municipal court.

### **20. What must the school do when a student becomes habitually truant?**

The school attendance officer shall notify the parent or guardian of a child who is a habitual truant by registered, certified, or first class mail, when the child initially becomes a habitual truant. The notice shall include all of the following:

- A statement of the parent’s or guardian’s responsibility, under Wis. Stat. sec. [118.15\(1\)\(a\)](#), to cause the child to attend school regularly.
- A statement that the parent, guardian, or child may request program or curriculum modifications for the child under Wis. Stat. sec. [118.15\(1\)\(d\)](#), and that the child may be eligible for enrollment in a program for children at risk under Wis. Stat. sec. [118.153\(3\)](#).



- A request that the parent or guardian meet with appropriate school personnel to discuss the child's truancy. The notice shall include the name of the school personnel with whom the parent or guardian should meet, a date, time, and place for the meeting

- and the name, address, and telephone number of a person to contact to arrange a different date, time, or place. The date for the meeting shall be within five (5) school days after the date that the notice is sent, except that with the consent of the child's parent or guardian the date for the meeting may be extended for an additional five (5) school days.
- A statement of the penalties, under Wis. Stat. sec. [118.15\(5\)](#), that may be imposed on the parent or guardian if he or she fails to cause the child to attend school regularly as required under Wis. Stat. sec. [118.15\(1\)\(a\)](#) and [118.16\(2\)\(cg\)](#).

## **21. What steps must schools take to provide educational services to habitually truant children before the case is referred to the courts?**

If a student misses part or all of five or more days without an acceptable excuse, the student is “habitually truant” and truancy proceedings may be started by the school under Wis. Stat. sec. [118.16\(6\)](#). Prior to referring the matter to juvenile, municipal, or teen court under Wis. Stat. sec. [938.13\(6\)](#), [118.16\(6\)](#), or [118.163\(1m\)](#), the school must document that it has done all of the following within the school year during which the truancy occurred:

- a) Met with the student's parent or guardian to discuss the student's truancy or have attempted to meet with the student's parent or guardian and received no response or were refused, Wis. Stat. sec. [118.16\(5\)\(a\)](#).
- b) Provided an opportunity for educational counseling to the student to determine whether a change in the student's curriculum would resolve the student's truancy and have considered curriculum modifications under Wis. Stat. sec. [118.15\(1\)\(d\)](#) and [118.16\(5\)\(b\)](#).
- c) Evaluated the student to determine whether learning problems may be a cause of the student's truancy and, if so, have taken steps to overcome the learning problems. Evaluation is not necessary if tests administered within the last year indicate that the student is performing at grade level, Wis. Stat. sec. [118.16\(5\)\(c\)](#).
- d) Conducted an evaluation to determine whether social problems may be a cause of the student's truancy and, if so, have taken appropriate action or made appropriate referrals, Wis. Stat. sec. [118.16\(5\)\(d\)](#).

If the parent does not attend a meeting under Wis. Stat. sec. [118.16\(cg\)3](#), then (a) above does not apply. In lieu of meeting the requirements in (b)-(d), the school attendance officer may provide evidence that the appropriate school personnel were unable, due to the student's absences from school, to conduct the evaluation and counseling described in (b)-(d) above.

## **22. What could happen to parents if their children do not attend school?**

Parents or guardians can be found guilty of a misdemeanor under Wis. Stat. sec. [948.45](#). For the first offense they could be fined up to \$500 or imprisoned 30 days, Wis. Stat. sec. [118.15\(5\)\(a\)1.a](#). For the second and subsequent offense, the fine cannot exceed \$1,000 and/or imprisonment for 90 days. They could be required to perform community service in lieu of these penalties, Wis. Stat. sec. [118.15\(5\)\(a\)2](#). (They can also be ordered to participate in counseling at the person's own expense or to attend school with his or her child, or both, Wis. Stat. sec. [118.15\(5\)\(am\)](#).)

In addition, parents or guardians whose children have been found guilty of violating a truancy ordinance, can be ordered to participate in counseling at the parent or guardian's own expense and/or attend school with the truant child, Wis. Stat. sec. [118.163\(2\)\(k\)](#) and [938.342\(1m\)\(a\)](#). Parents and guardians can also be held responsible for any fines that their child receives under Wis. Stat. sec. [118.163\(1m\)\(b\)](#) and [938.342\(1d\)\(b\)](#), and for the cost of any counseling or for supervised work ordered under Wis. Stat. sec. [118.163\(2\)\(b\)](#) and [938.342\(1g\)\(b\)](#).

Also, any adult who knowingly contributes to truancy can be found guilty of a Class C misdemeanor under Wis. Stat. sec. [948.45](#). Some exceptions exist for parents or guardians of a child who has been sanctioned under Wis. Stat. sec. [49.26\(1\)\(h\)](#).

### **23. What could happen to a student who doesn't attend school and is referred to juvenile or municipal court?**

Municipal courts (in cities, villages, towns, or counties) may order the following if the child is determined, by the court, to be habitually truant:

- Suspension of the student's drivers license for not less than 30 days nor more than one year, Wis. Stat. sec. [118.163\(2\)\(a\)](#) and [938.342\(1g\)\(a\)](#).
- Participation in counseling or supervised work (community service) program, Wis. Stat. sec. [118.163\(2\)\(b\)](#) and [938.342\(1g\)\(b\)](#).
- Home detention during specific hours, Wis. Stat. sec. [118.163\(2\)\(c\)](#) and [938.342\(1g\)\(c\)](#).
- Attendance in an education program as described in Wis. Stat. sec. [938.34\(7d\)](#), [118.163\(2\)\(d\)](#), and [938.342\(1g\)\(d\)](#).
- (Department of Workforce Development) Revocation of the student's work permit, Wis. Stat. sec. [118.163\(2\)\(e\)](#) and [938.342\(1g\)\(e\)](#).
- Participation in a teen court program, Wis. Stat. sec. [118.163\(2\)\(f\)](#) and [938.342\(1g\)\(f\)](#).
- Court ordered school attendance, Wis. Stat. sec. [118.163\(2\)\(g\)](#) and [938.342\(1g\)\(g\)](#).
- A forfeiture (fine) of not more than \$500 plus court costs, Wis. Stat. sec. [118.163\(2\)\(h\)](#) and [938.342\(1g\)\(h\)](#).
- Any other reasonable conditions, including a curfew, restrictions as to places the student may be, or restrictions on associating with other children or adults, Wis. Stat. sec. [118.163\(2\)\(i\)](#) and [938.342\(1g\)\(i\)](#).
- Placement of the student on formal or informal supervision, Wis. Stat. sec. [118.163\(2\)\(j\)](#) and [938.342\(1g\)\(j\)](#).
- The student's parent, guardian, or legal custodian can be ordered to participate in counseling at their own expense or to attend school with the student, or both, Wis. Stat. sec. [118.163\(2\)\(k\)](#) and [938.342\(1m\)\(a\)](#).
- An order for the person to report to a youth report center after school, in the evening, on weekends, on other non-school days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center, Wis. Stat. sec. [118.163\(2\)\(L\)](#).

The juvenile court may order the following if the child is determined, by the court, to be habitually truant:

- Counseling of the student, the parent, guardian, or legal custodian, Wis. Stat. sec. [938.34\(1\)](#).
- Placement of the student on formal supervision, including supervision and home detention for not more than 30 days under rules of supervision, Wis. Stat. sec. [938.34\(2\)](#).
- Participation in a teen court program, Wis. Stat. sec. [938.34\(2m\)](#).
- Place the student in the home of the parent or relative, with a non-relative for up to 30 days, in a foster home, treatment foster home, group home, or child caring institution, Wis. Stat. sec. [938.34\(3\)](#).
- Electronic monitoring, Wis. Stat. sec. [938.34\(3g\)](#).
- Transfer the student's legal custody from the parent to a relative, to the county department, or to a licensed child welfare agency, Wis. Stat. sec. [938.34\(4\)](#).
- Participation in a supervised work or community service program, Wis. Stat. sec. [938.34\(5g\)](#).
- Participation in a community service (youth corps) work program, Wis. Stat. sec. [938.34\(5m\)](#).
- Provision of special treatment or care as identified in an evaluation under Wis. Stat. sec. [938.295](#) and [938.34\(6\)](#).
- Development and implementation of an integrated service plan under Wis. Stat. sec. [46.56](#) and [938.34\(6m\)](#).
- Outpatient alcohol or drug treatment or education, Wis. Stat. sec. [938.34\(6r\)](#).
- Drug testing, Wis. Stat. sec. [938.34\(6s\)](#).
- Attendance in an educational program including disclosure of the pupil's records to the supervising agency, Wis. Stat. sec. [938.34\(7d\)](#).
- Participation in a wilderness challenge program or other experiential education program, Wis. Stat. sec. [938.34\(7g\)](#).
- Participation in a juvenile offender education program, Wis. Stat. sec. [938.34\(7n\)](#).
- Vocational assessment, counseling, or training, Wis. Stat. sec. [938.34\(7r\)](#).
- Participation in a day treatment program, Wis. Stat. sec. [938.34\(7w\)](#).
- Any of the above items stayed and held in abeyance pending successful completion of other requirements, Wis. Stat. sec. [938.34\(16\)](#). For example, the court might stay an order of out-of-home placement on the condition that the student attend school every day.
- An order for the person to report to a youth report center after school, in the evening, on weekends, on other non-school days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center, Wis. Stat. sec. [938.342\(1g\)\(k\)](#).

If the juvenile court finds that the student's truancy is intentional, the juvenile court may, instead of or in addition to these options, order all of the options listed for the municipal court, Wis. Stat. sec. [938.345\(2\)](#).

**24. When may a school district stop enforcing the truancy provisions as to a particular student?**

- a. At the end of the term, quarter, or semester in which the student turns 18 years old.
- b. When the district receives documentation that the student no longer resides in the district or has enrolled in another public school, private school, or home-based education program.

**25. Do students have the right to make up exams missed because of an unexcused absence or work missed because of a suspension?**

Yes. No public school may deny a pupil credit in a course or subject solely because of the pupil's unexcused absences or suspensions from school. The school's attendance policy shall specify the conditions under which a pupil may be permitted to take examinations missed during absences, other than suspensions, and the conditions under which a pupil shall be permitted to take any quarterly, semester, or grading period examinations and complete any course work missed during a period of suspension, Wis. Stat. sec. [118.16\(4\)\(b\)](#).

**26. May districts lower students' grades because of unexcused absences?**

It is important for schools to have a clear policy with objective criteria for reducing grades. Credit cannot be denied on the basis of unexcused absences only. The school's attendance policy shall specify the conditions under which a pupil may be permitted to take examinations missed during absences, other than suspensions, and the conditions under which a pupil shall be permitted to take any quarterly, semester, or grading period examinations and complete any course work missed during a period of suspension, Wis. Stat. sec. [118.16\(4\)\(b\)](#).

Also, the school board may establish policies which provide that as a consequence of a pupil's truancy the pupil may be assigned to detention or to a supervised, directed study program. The program need not be held during the regular school day. The policies under this paragraph shall specify the conditions under which credit may be given for work completed during the period of detention or assignment to a supervised, directed study program. A pupil shall be permitted to take any examinations missed during a period of assignment to a supervised, directed study program, Wis. Stat. sec. [118.16\(4\)\(c\)](#).

**27. May districts fail students who have several unexcused absences?**

No public school may deny a pupil credit in a course or subject solely because of the pupil's unexcused absences or suspensions from school. The attendance policy shall specify the conditions under which a pupil may be permitted to take examinations missed during absences, other than suspensions, and the conditions under which a pupil shall be permitted to take any quarterly, semester, or grading period examinations and complete any course work missed during a period of suspension, Wis. Stat. sec. [118.16\(4\)\(b\)](#).

The school board may establish policies which provide that as a consequence of a pupil's truancy the pupil may be assigned to detention or to a supervised, directed study program. The program need not be held during the regular school day. The policies under this paragraph shall specify the conditions under which credit may be given for work completed during the period of detention or assignment to a supervised, directed study program. A pupil

shall be permitted to take any examinations missed during a period of assignment to a supervised, directed study program, Wis. Stat. sec. 118.16(4)(c).

**28. What happens if the district attorney, municipal attorney, or corporation counsel does not choose to proceed with a truancy case?**

Nothing. The district attorney, municipal attorney, or corporation counsel has the legal authority to determine if the case will proceed or not, Wis. Stat. sec. 938.25(1).

**29. What can concerned citizens do if they see students who are clearly under the age of compulsory attendance out of school?**

They may contact the school or law enforcement.

**30. What is a truancy plan?**

At least once every four years, the school district administrator of the school district which contains the county seat is required to convene a committee to review and make recommendations to the school boards of all of the school districts in the county on the school districts' truancy plan. The committee is required to consist of certain members including representatives of each of the county's school districts, law enforcement, office of the district attorney, the circuit court, the county department of social/human services, juvenile court intake, parents and community members. The committee shall write a report that addresses factors that contribute to truancy in the county and a description of any state statutes, municipal ordinances or school, social services, law enforcement, district attorney, court, or other policies that contribute to or inhibit the response to truancy in the county.

Each school board is required to adopt a truancy plan that includes:

- Procedures to be followed for notifying the parents or guardians of the unexcused absence.
- Plans and procedures for identifying truant children of all ages and returning them to school.
- Methods to increase awareness and involvement of the public in truancy.
- The immediate response to be made by school personnel when a truant child is returned to school.
- The types of truancy cases to be referred to the district attorney and the time periods for response from the district attorney.
- Plans and procedures to coordinate the responses to the problem of habitual truant with public and private social service agencies.
- Methods to involve the truant child's parent or guardian in dealing with and solving the child's truancy.

At least once every 2 years, each school board shall review and, if appropriate, revise the truancy plan, Wis. Stat. sec. 118.162(4m).

## Dropouts

### **31. When can a student drop out of school?**

Students must attend school until the end of the school term, quarter or semester of the school year in which the student becomes 18 years of age, Wis. Stat. sec. [118.15\(1\)\(a\)](#).

### **32. What is the definition of a dropout?**

Under Wis. Stat. sec. [118.153\(1\)\(b\)](#), “dropout” means a child who ceased to attend school, does not attend a public or private school, technical college or home-based private educational program on a full-time basis, has not graduated from high school and does not have an acceptable excuse under Wis. Stat. sec. [118.15\(1\)\(b\)-\(d\)](#) or [\(3\)](#).

### **33. How are dropouts accounted for and reported?**

Dropouts are accounted for at the individual student level using data collected from school districts in the Wisconsin Student Locator System (WSLS), and the Individual Student Enrollment System (ISES). For ISES purposes, a dropout for the reported school term is a student who was enrolled in school at some time during that school term, was not enrolled at the beginning of the next school term (third Friday in September), has not completed high school, and does not meet any of the following exclusionary conditions: transfer to another public school district, private school, or state- or district-approved educational program; temporary absence due to expulsion, suspension or school-approved illness; or death. Students who completed the reported school term but who did not return as expected for the next school term are counted as dropouts for the next school term. Dropouts are publicly reported through Wisconsin Information System for Education Data Dashboard (WISEdash) at <http://wisedash.dpi.wi.gov/Dashboard/portalHome.jsp>.

# Appendix A

## Links to Additional Information

Five-year-old kindergarten attendance and first grade admission:

<http://dpi.wi.gov/early-childhood/kind/admission>

Wisconsin Department of Public Instruction Student Services/Prevention and Wellness

Resources: <http://dpi.wi.gov/sspw/resources>

Wisconsin Statutes: <http://legis.wisconsin.gov/rsb/Stat.html>

GED/HSED Contracting with Technical Colleges:

[http://dpi.wi.gov/sites/default/files/imce/alternative-education/pdf/contracting\\_techcolleges.pdf](http://dpi.wi.gov/sites/default/files/imce/alternative-education/pdf/contracting_techcolleges.pdf)

Educating Incarcerated Youth:

[http://dpi.wi.gov/sites/default/files/imce/alternative-education/pdf/jail\\_dententioneducation.pdf](http://dpi.wi.gov/sites/default/files/imce/alternative-education/pdf/jail_dententioneducation.pdf)

Home-Based Private Education Program (Home Schooling): <http://dpi.wi.gov/sms/home-based>

Open Enrollment: <http://dpi.wi.gov/open-enrollment>

Virtual Schools: <http://dpi.wi.gov/imt/digital-learning/virtual-schools>

National Center on School Engagement: <http://schoolengagement.org/>

National Dropout Prevention Network: <http://www.dropoutprevention.org/>

National Education Association: <http://nea.org/home/DropoutPrevention.html>

Pupil Transportation: <http://dpi.wi.gov/sms/transportation>

Special Education Transportation: <https://dpi.wi.gov/sites/default/files/imce/sped/pdf/bul09-02.pdf>

School Graduation Resources: <http://dpi.wi.gov/graduation/resources>