

## WISCONSIN

<b>Compulsory Attendance Ages:</b>	between the ages of 6 (on or before September 1) and 18 unless the student has graduated from high school. Wis. Stat. §§ 118.14, 118.15.
<b>Required Days of Instruction:</b>	“at least 875 hours of instruction each school year” (July 1 to June 30). Wis. Stat. §§ 118.15(4), 118.165(1)(c), 115.001(13).
<b>Required Subjects:</b>	reading, language arts, math, social studies, science and health. Wis. Stat. § 118.165(d).

**Home School Statute:** Wisconsin Statutes sections 118.15(4) and 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 unit is not a home-based private educational program.” Wis. Stat. § 115.001(3g). A homeschooling parent may utilize supplemental instruction and resources to assist in instructing his or her children. But the parent is ultimately responsible for ensuring that the program complies with the requirements listed under paragraphs 2 and 3 below.
2. Every year on or before October 15, you must report on forms provided by the Department of Public Instruction (DPI) the number of students in the elementary and high school grades who were enrolled in your home-based private educational program on the third Friday of that September. Wis. Stat. § 115.30(3). This may be done on the DPI’s website at <http://dpi.wi.gov/sms/home-based>. Because the statement of enrollment lists the number of students as of the third Friday in September, the statement should not be filed before the third Friday in September.

The statute requires each homeschool and private school administrator to report in the statement of enrollment whether his program meets criteria (a) through (e) in Wisconsin Statutes section 118.165(1) (see #3 below).

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 a public or private school.” Wis. Stat. § 118.15(4).

The § 118.165(1) criteria are:

- a. “The 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 each school year [July 1 to June 30].”
- d. “The program provides a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science and health. This subsection does not require the

program to include in its curriculum any concept, topic or practice in conflict with the programs religious doctrines or to exclude from its curriculum any concept, topic or practice consistent with the programs religious doctrines.”

- e. The program is not operated or instituted for the purpose of avoiding or circumventing the compulsory school attendance law.
4. This statute was the result of the Wisconsin Supreme Court’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 “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 First Amendment.” *Yoder* at 233.  
  
The Court concluded “the First and Fourteenth Amendments prevent the State from compelling respondents to cause their children to attend formal high school to age 16.” *Yoder* at 234.
6. Wisconsin statutory law acknowledges that the administrator of a home-based private educational program (usually the parent) may grant a high school diploma. *See* Wis. Stat. § 119.23(7)(b)(3).

**Teacher Qualifications:** None.

**Standardized Tests:** None.