

Wisconsin Laws Relating to Home-Based Private Educational Programs (Homeschooling)



WI Act 512 (1983) – <https://docs.legis.wisconsin.gov/1983/related/acts/512>

“AN ACT to repeal 118.255 (1) (am) and 121.51 (3); to amend 115.30 (3) and 118.15 (1) (a); to repeal and recreate 188.15 (4); and to create 115.01 (1g) and (1r) and 188.165 of the statutes, relating to establishing criteria for defining private schools and home-based private educational programs.”

Please read the History section on our website at www.homeschooling-wpa.org to learn how this law came to be.

Definition of a Home-Based Private Educational Program – WI statute 115.001(3g)

“Home-based private educational program’ means 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 does not constitute a home-based private educational program.” (WI stat 115.001(3g))

Forms and Reports – WI statute 115.30 (3)

“On or before each October 15, each administrator of a public or private school system or a home-based private educational program shall submit, on forms provided by the department, a statement of the enrollment on the 3rd Friday in September in the elementary and high school grades under his or her jurisdiction to the department which shall prepare such reports as will enable the public and private schools and home-based private educational programs to make projections regarding school buildings, teacher supply and funds required. The administrator of each private school system and home-based private educational program shall indicate in his or her report whether the system or program meets all of the criteria under s. 118.165 (1).” (WI stat 115.30(3))

Each year homeschoolers in Wisconsin are required to file the PI-1206 Homeschool Report with the Department of Public Instruction. Under **Wis Stats 115.30(3)**, the PI-1206 Homeschool Report includes a **statement of enrollment on the third Friday in September**, and shall be submitted **on or before October 15**. The PI-1206 Homeschool Report also includes a **legal affirmation** that the parent or guardian is in compliance with Wisconsin Homeschooling law. **Make sure that you have read and understand the law.** WHPA strongly encourages parents to know and understand their rights and responsibilities under Wisconsin law, and **to do no more than the law requires.**

- You must file the PI-1206 Homeschool Report on or before October 15.
- There is no requirement under the law for you to file before October 15.
- Because the law requires the PI-1206 Homeschool Report to include a statement of enrollment on the third Friday in September, WHPA believes it is logical to file the PI-1206 Homeschool Report only in the window between the third Friday in September and October 15. Filing earlier is not required by law, and school districts cannot compel you to file before October 15.
- Filing early is unnecessarily doing more than the law requires, and may jeopardize our reasonable homeschooling law for you and for all homeschoolers in Wisconsin, now and in the future.

Private Schools – WI statute 118.165

“An institution is a private school if its educational program meets all of the following criteria:

(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.

(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 program’s religious doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the program’s religious doctrines.

(e) The program is not operated or instituted for the purpose of avoiding or circumventing the compulsory school attendance requirement under s. 118.15 (1) (a) and (am).

(f) The pupils in the institution’s educational program, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than 2 months of summer vacation, or the institution is licensed as a child welfare agency under s. 48.60(1).” (WI stat 118.165)

Compulsory Attendance – WI statute 118.15

“(1)(a) Except as provided under pars. (b) to (d) and (g) and **sub. (4)**, unless the child is excused under sub. (3) or has graduated from high school, any person having under control a child who is between the ages of 6 and 18 years shall cause the child to attend school regularly during the full period and hours, religious holidays excepted, that the public, private, or tribal 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.” (WI stat 118.15(1)(a))

“(4) Instruction in a home-based private education program that meets all of the criteria under s.118.165 (1) may be substituted for attendance at a public or private school.” (WI stat 118.15(4))

Unexcused Absences and Truancy – WI statute 118.15(5)

- You are not required by law to provide notice to your school or school district of your intent to homeschool. Providing such notice is a courtesy. However, if a school is not aware that your child is homeschooled, they will retain your child in their attendance. This may lead to your child being marked as having an unexcused absence.
- If your child is marked as having an unexcused absence, the school attendance officer will contact you to find out if the absence should be excused. Until October 15, the absence is excused because parental notice of the intent to homeschool is sufficient for attendance purposes. After October 15, the absence is excused if and only if you have properly filed the PI-1206 Homeschool Report.
- It is your responsibility under law to properly file the PI-1206 Homeschool Report on or before October 15, each year you are homeschooling.
- **If you do not properly file the PI-1206 Homeschool Report on or before October 15, or immediately before beginning to homeschool after October 15, you are not complying**

with Wisconsin homeschooling law, and your child's absence may not be excused, and you and your child may be subject to the truancy process.

- 118.15(5) outlines the penalty for truancy, which includes monetary fines and imprisonment.
- Filing a PI-1206 Homeschool Report cannot be done retroactively.

Kindergarten

School boards may not enroll a child in the first grade if that child has not completed 5-year-old kindergarten.

“Except as provided in subs. 2. and 3., beginning on September 1, 2011, a school board may not enroll a child in the first grade in a school in the school district, including in a charter school located in the school district, unless the child has completed 5-year-old kindergarten.” (Wis Stat 118.33(6)(cm)(1))

If you are homeschooling for kindergarten and planning to place your child in a public school for first grade, you should **contact your local school and ask for their written policy concerning entrance to first grade for homeschoolers.** It is required under law that each school district have such written policies.

“Each school board that operates a 5-year-old kindergarten program shall establish procedures, conditions, and standards for exempting a child from the requirement that the child complete kindergarten as a prerequisite to enrollment in the first grade and for reviewing the denial of an exemption upon the request of the pupil's parent or guardian.” (Wis Stat 118.33(6)(cm)(2))

This statute, passed in 2009, requires children who attend a public school for first grade to have completed a kindergarten program. Since you cannot file a PI-1206 Homeschool Report for kindergarten, you cannot show that your child has completed a kindergarten program.

The law requires that each school board have written policies for exempting a child from the requirement to attend kindergarten before being admitted to first grade. So if you are planning to homeschool for kindergarten, but then send your child to public school for first grade, contact your local school district and ask for a copy of their written policy.

If you are planning to continue homeschooling for first grade, there are no special requirements for enrollment in a public school for any subsequent grades.

Immunization – WI statute 252.04

Since “home-based private educational programs” are not included in the state statute regarding immunization (252.04), this statute does not apply to homeschoolers. Confirmation of this is also noted on page 13 of the Department of Health Services publication, “Wisconsin School Immunization Requirements, 2020-2021”

875 Hours of Instruction – Wis Stat 118.165(c), (d)

Home-based private educational programs are:

- Required to provide “at least 875 hours of instruction”.
- Required to include “a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science and health”.
- To be provided “by the child's parent or guardian or by a person designated by the parent or guardian”.

The statute is clear that, “An instructional program provided to more than one family unit does not constitute a home-based private educational program.”

The 875 hours of instruction required by statute must be provided by the parent or guardian, or a designee, **to only one**

family unit. Other educational activities which include more than one family unit may be considered enrichment activities, and they may not be counted as meeting this minimal requirement if challenged under law.

Tutors – WI statute 115.001(3g)

“‘Home-based private educational program’ means 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 does not constitute a home-based private educational program.” (WI stat 115.001(3g))

As long as the person you have designated is teaching only your family unit, those hours may count toward the 875 hours of instruction required as a minimum by law.

Public School Classes – WI statute 118.53

A pupil enrolled in a home-based private educational program may attend up to 2 courses at a public school during each school semester if the school board determines that there is sufficient space in the classroom. A pupil enrolled in a home-based private educational program and attending a public school under this section may attend one course in each of 2 school districts, but may not attend more than 2 courses in any semester. A homeschooling child attending classes at a public school under this statute is not enrolled in public school. Because instruction in a public school is provided to children from more than one family unit, these hours of instruction may not be counted as hours of homeschool instruction.

Public School Sports Teams and Extracurricular Activities – WI statute 118.133

“A school board shall permit a pupil who resides in the school district and is enrolled in a home-based private educational program to participate in interscholastic athletics in the school district on the same basis and to the same extent that it permits pupils enrolled in the school district to participate. Upon request, the home-based educational program in which the pupil is enrolled shall provide the school board with a written statement that the pupil meets the school board's requirements for participation in interscholastic athletics based on age and academic and disciplinary records. No person may provide a false statement under this paragraph. The school board may not question the accuracy or validity of the statement or request additional information.”

A school board shall permit a pupil who resides in the school district and is enrolled in a home-based private educational program to participate in extracurricular activities in the school district on the same basis and to the same extent that it permits pupils enrolled in the school district to participate.

A school board may charge a pupil who participates in interscholastic athletics or extracurricular activities as permitted under this section participation fees, including fees for uniforms, equipment, and musical instruments, on the same basis and to the same extent that it charges these fees to a pupil who is enrolled in the school district.” (WI stat 118.133)

PLEASE NOTE:

If homeschoolers choose to take classes at public or private schools or participate in sports or extracurricular activities, these students may be subject to certain requirements of the institution. A homeschooling child participating in public school activities under these statutes is not enrolled in public school.