**118.15  Compulsory school attendance.**

**(1)**

**(a)** Except as provided under pars. [(b)](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28b%29) to [(d)](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28d%29) and [(g)](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28g%29) and sub. [(4)](https://docs.legis.wisconsin.gov/document/statutes/118.15%284%29), unless the child is excused under sub. [(3)](https://docs.legis.wisconsin.gov/document/statutes/118.15%283%29) 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.

**(am)** Except as provided under par. [(d)](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28d%29), unless the child is excused under sub. [(3)](https://docs.legis.wisconsin.gov/document/statutes/118.15%283%29), any person having under his or her control a child who is enrolled in 5-year-old kindergarten shall cause the child to attend school regularly, religious holidays excepted, during the full period and hours that kindergarten is in session at the public or private school in which the child is enrolled until the end of the school term.

**(b)** Upon the child's request of the school board and with the written approval of the child's parent or guardian, any child who is 16 years of age or over and a child at risk, as defined in s. [118.153 (1) (a)](https://docs.legis.wisconsin.gov/document/statutes/118.153%281%29%28a%29), may attend, in lieu of high school or on a part-time basis, a technical college if the child and his or her parent or guardian agree, in writing, that the child will participate in a program leading to the child's high school graduation. The district board of the technical college district in which the child resides shall admit the child. Every technical college district board shall offer day class programs satisfactory to meet the requirements of this paragraph and s. [118.33 (3m)](https://docs.legis.wisconsin.gov/document/statutes/118.33%283m%29) as a condition to the receipt of any state aid.

**(c)**

**1.** Upon the child's request and with the written approval of the child's parent or guardian, any child who is 16 years of age may be excused by the school board from regular school attendance if the child and his or her parent or guardian agree, in writing, that the child will participate in a program or curriculum modification under par. [(d)](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28d%29) leading to the child's high school graduation.

**2.** Upon the child's request and with the written approval of the child's parent or guardian, any child who is 17 years of age or over may be excused by the school board from regular school attendance if the child and his or her parent or guardian agree, in writing, that the child will participate in a program or curriculum modification under par. [(d)](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28d%29) leading to the child's high school graduation or leading to a high school equivalency diploma under s. [115.29 (4)](https://docs.legis.wisconsin.gov/document/statutes/115.29%284%29).

**3.** Prior to a child's admission to a program leading to the child's high school graduation or a high school equivalency program under par. [(b)](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28b%29) or subd. [1.](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28c%291.) or [2.](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28c%292.), the child, his or her parent or guardian, the school board and a representative of the high school equivalency program or program leading to the child's high school graduation shall enter into a written agreement. The written agreement shall state the services to be provided, the time period needed to complete the high school equivalency program or program leading to the child's high school graduation and how the performance of the pupil will be monitored. The agreement shall be monitored by the school board on a regular basis, but in no case shall the agreement be monitored less frequently than once per semester. If the school board determines that a child is not complying with the agreement, the school board shall notify the child, his or her parent or guardian and the high school equivalency program or program leading to the child's high school graduation that the agreement may be modified or suspended in 30 days.

**(cm)**

**1.** Upon the child's request and with the approval of the child's parent or guardian, any child who is 17 years of age or over shall be excused by the school board from regular school attendance if the child began a program leading to a high school equivalency diploma in a juvenile correctional facility, as defined in s. [938.02 (10p)](https://docs.legis.wisconsin.gov/document/statutes/938.02%2810p%29), a secured residential care center for children and youth, as defined in s. [938.02 (15g)](https://docs.legis.wisconsin.gov/document/statutes/938.02%2815g%29), a juvenile detention facility, as defined in s. [938.02 (10r)](https://docs.legis.wisconsin.gov/document/statutes/938.02%2810r%29), or a juvenile portion of a county jail, and the child and his or her parent or guardian agree under subd. [2.](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28cm%292.) that the child will continue to participate in such a program. For purposes of this subdivision, a child is considered to have begun a program leading to a high school equivalency diploma if the child has received a passing score on a minimum of one of the 5 content area tests given under the general educational development test or has demonstrated under a course of study meeting the standards established under s. [115.29 (4)](https://docs.legis.wisconsin.gov/document/statutes/115.29%284%29) for the granting of a declaration of equivalency to high school graduation a level of proficiency in a minimum of one of the 5 content areas specified in s. [118.33 (1) (a) 1.](https://docs.legis.wisconsin.gov/document/statutes/118.33%281%29%28a%291.) that is equivalent to the level of proficiency that he or she would have attained if he or she had satisfied the requirements under s. [118.33 (1) (a) 1.](https://docs.legis.wisconsin.gov/document/statutes/118.33%281%29%28a%291.)

**2.** Prior to the admission of a child under subd. [1.](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28cm%291.) to a program leading to a high school equivalency diploma, the child, his or her parent or guardian, the school board and a representative of the agency providing the program shall enter into a written agreement. The agreement shall specify that the child is excused from regular school attendance while he or she is enrolled in the program and making progress toward completion of the program, or successfully completes the program. If the agency providing the program determines that the child is not making progress toward completion of the program, the agency shall notify the child and his or her parent or guardian that the agreement may be suspended within 30 days. If the agency suspends the agreement, the agency shall notify the child, his or her parent or guardian and the school board.

**3.** If the program that the child wishes to attend is provided by a technical college district, the technical college district board shall admit the child.

**4.** A child attending a program under this paragraph shall not be included in membership, as defined in s. [121.004 (5)](https://docs.legis.wisconsin.gov/document/statutes/121.004%285%29).

**5.** The state superintendent shall grant a high school equivalency diploma to a child under this paragraph who completes the general educational development test with a passing score, as determined by the state superintendent, and completes the additional requirements determined by the state superintendent under s. [115.29 (4)](https://docs.legis.wisconsin.gov/document/statutes/115.29%284%29).

**(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:

**1.** Modifications within the child's current academic program.

**2.** A school work training or work study program.

**3.** Enrollment in any alternative public school or program located in the school district in which the child resides.

**4.** Enrollment in any nonsectarian private school or program, or tribal school, located in the school district in which the child resides, which complies with the requirements of [42 USC 2000d](https://docs.legis.wisconsin.gov/document/usc/42%20USC%202000d). Enrollment of a child under this subdivision shall be pursuant to a contractual agreement under s. [121.78 (5)](https://docs.legis.wisconsin.gov/document/statutes/121.78%285%29) that provides for the payment of the child's tuition by the school district.

**5.** Homebound 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.

**6.** 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.

**(dm)** The school board shall render its decision, in writing, within 90 days of a request under par. [(d)](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28d%29), except that if the request relates to a child who has been evaluated by an individualized education program team under s. [115.782](https://docs.legis.wisconsin.gov/document/statutes/115.782) and has not been recommended for special education, the school board shall render its decision within 30 days of the request. If the school board denies the request, the school board shall give its reasons for the denial.

**(e)** Any decision made by a school board or a designee of the school board in response to a request for program or curriculum modifications under par. [(d)](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28d%29) shall be reviewed by the school board upon request of the child's parent or guardian. The school board shall render its determination upon review in writing, if the child's parent or guardian so requests.

**(f)** At the beginning of each school term, the school board shall notify the pupils enrolled in the school district and their parents or guardians of the substance of pars. [(d)](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28d%29), [(dm)](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28dm%29) and [(e)](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28e%29).

**(g)** Paragraph [(a)](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28a%29) does not apply to a person having under control a child who is enrolled in a virtual charter school.

**(2)**

**(a)** If the determination is made under sub. [(1) (b)](https://docs.legis.wisconsin.gov/document/statutes/118.15%281%29%28b%29) for a child to attend a technical college, the district board governing the technical college shall establish appropriate vocational and technical courses in accordance with s. [118.33 (3m)](https://docs.legis.wisconsin.gov/document/statutes/118.33%283m%29) and the school board shall pay the technical college district board an amount calculated as follows:

**1.** Divide the number of credit hours of instruction scheduled by the technical college district for the pupil by 30.

**2.** Multiply the quotient under subd. [1.](https://docs.legis.wisconsin.gov/document/statutes/118.15%282%29%28a%291.) by the statewide average instructional cost for general education programs in the technical college system in the previous school year, as determined by the technical college system board.

**3.** Multiply the quotient under subd. [1.](https://docs.legis.wisconsin.gov/document/statutes/118.15%282%29%28a%291.) by any additional costs associated with direct student support services, as determined jointly by the state superintendent and the state director of the technical college system.

**4.** Add the product under subd. [2.](https://docs.legis.wisconsin.gov/document/statutes/118.15%282%29%28a%292.) to the product under subd. [3.](https://docs.legis.wisconsin.gov/document/statutes/118.15%282%29%28a%293.)

**(c)** Pupils attending a technical college under this subsection may receive general education subjects at the technical college. Payments by the school district under par. [(a)](https://docs.legis.wisconsin.gov/document/statutes/118.15%282%29%28a%29) shall be deemed costs of operation and maintenance.

**(d)** Transportation, or board and lodging under s. [121.57 (1) (a)](https://docs.legis.wisconsin.gov/document/statutes/121.57%281%29%28a%29), for pupils attending a technical college under this subsection shall be provided by the school district, and state aids shall be paid therefor, on the same basis as is transportation for pupils attending high school.

**(3)**This section does not apply to:

**(a)** 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 s. [255.06 (1) (d)](https://docs.legis.wisconsin.gov/document/statutes/255.06%281%29%28d%29), 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.

**(b)** Any child excused by the school board in accordance with the school board's written attendance policy under s. [118.16 (4)](https://docs.legis.wisconsin.gov/document/statutes/118.16%284%29) 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 s. [115.76 (5)](https://docs.legis.wisconsin.gov/document/statutes/115.76%285%29) 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.

**(c)** 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.

**(d)** Any child excused in writing by his or her parent or guardian and by the principal of the school that the child attends, or by the administrator of the home-based private educational program in which the child is enrolled, for the purpose of serving as an election official under s. [7.30 (2) (am)](https://docs.legis.wisconsin.gov/document/statutes/7.30%282%29%28am%29). Except as provided in s. [7.30 (2) (am)](https://docs.legis.wisconsin.gov/document/statutes/7.30%282%29%28am%29), a principal or administrator 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 or administrator shall allow the child to take examinations and complete course work missed during the child's absences under this paragraph. The principal or administrator 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 in a home-based private educational program or if the child no longer has at least a 3.0 grade point average or the equivalent.

**(4)**Instruction in a home-based private educational program that meets all of the criteria under s. [118.165 (1)](https://docs.legis.wisconsin.gov/document/statutes/118.165%281%29) may be substituted for attendance at a public or private school.

**(4m)**No school board, board of control of a cooperative educational service agency or county children with disabilities education board, or person employed by a school board, cooperative educational service agency or county children with disabilities education board, may in any manner compel a pregnant girl to withdraw from her educational program.

**(5)**

**(a)**

**1.** Except as provided under par. [(b)](https://docs.legis.wisconsin.gov/document/statutes/118.15%285%29%28b%29) or if a person has been found guilty of a misdemeanor under s. [948.45](https://docs.legis.wisconsin.gov/document/statutes/948.45), whoever violates this section may be penalized as follows, if evidence has been provided by the school attendance officer that the activities under s. [118.16 (5)](https://docs.legis.wisconsin.gov/document/statutes/118.16%285%29) have been completed or were not required to be completed as provided in s. [118.16 (5m)](https://docs.legis.wisconsin.gov/document/statutes/118.16%285m%29):

**a.** For the first offense, by a fine of not more than $500 or imprisonment for not more than 30 days or both.

**b.** For a 2nd or subsequent offense, by a fine of not more than $1,000 or imprisonment for not more than 90 days or both.

**2.** The court may require a person who is subject to subd. [1.](https://docs.legis.wisconsin.gov/document/statutes/118.15%285%29%28a%291.) to perform community service work for a public agency or a nonprofit charitable organization in lieu of the penalties specified under subd. [1.](https://docs.legis.wisconsin.gov/document/statutes/118.15%285%29%28a%291.) Any organization or agency to which a defendant is assigned pursuant to an order under this subdivision acting in good faith has immunity from any civil liability in excess of $25,000 for any act or omission by or impacting on the defendant.

**(am)** The court may order any person who violates this section to participate in counseling at the person's own expense or to attend school with his or her child, or both.

**(b)**

**1.** Paragraph [(a)](https://docs.legis.wisconsin.gov/document/statutes/118.15%285%29%28a%29) does not apply to a person who has under his or her control a child who has been sanctioned under s. [49.26 (1) (h)](https://docs.legis.wisconsin.gov/document/statutes/49.26%281%29%28h%29).

**2.** In a prosecution under par. [(a)](https://docs.legis.wisconsin.gov/document/statutes/118.15%285%29%28a%29), if the defendant proves that he or she is unable to comply with the law because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under chs. [48](https://docs.legis.wisconsin.gov/document/statutes/ch.%2048) and [938](https://docs.legis.wisconsin.gov/document/statutes/ch.%20938).

**History:**[1971 c. 40](https://docs.legis.wisconsin.gov/document/acts/1971/40), [125](https://docs.legis.wisconsin.gov/document/acts/1971/125), [154](https://docs.legis.wisconsin.gov/document/acts/1971/154); [1973 c. 89](https://docs.legis.wisconsin.gov/document/acts/1973/89), [243](https://docs.legis.wisconsin.gov/document/acts/1973/243), [319](https://docs.legis.wisconsin.gov/document/acts/1973/319), [332](https://docs.legis.wisconsin.gov/document/acts/1973/332); [1975 c. 39](https://docs.legis.wisconsin.gov/document/acts/1975/39), [199](https://docs.legis.wisconsin.gov/document/acts/1975/199); [1979 c. 221](https://docs.legis.wisconsin.gov/document/acts/1979/221), [298](https://docs.legis.wisconsin.gov/document/acts/1979/298), [300](https://docs.legis.wisconsin.gov/document/acts/1979/300), [355](https://docs.legis.wisconsin.gov/document/acts/1979/355); [1981 c. 20](https://docs.legis.wisconsin.gov/document/acts/1981/20); [1983 a. 512](https://docs.legis.wisconsin.gov/document/acts/1983/512); [1985 a. 29](https://docs.legis.wisconsin.gov/document/acts/1985/29); [1987 a. 36](https://docs.legis.wisconsin.gov/document/acts/1987/36), [285](https://docs.legis.wisconsin.gov/document/acts/1987/285), [399](https://docs.legis.wisconsin.gov/document/acts/1987/399); [1989 a. 31](https://docs.legis.wisconsin.gov/document/acts/1989/31), [336](https://docs.legis.wisconsin.gov/document/acts/1989/336); [1991 a. 39](https://docs.legis.wisconsin.gov/document/acts/1991/39); [1993 a. 223](https://docs.legis.wisconsin.gov/document/acts/1993/223), [399](https://docs.legis.wisconsin.gov/document/acts/1993/399); [1995 a. 27](https://docs.legis.wisconsin.gov/document/acts/1995/27) s. [3945](https://docs.legis.wisconsin.gov/document/acts/1995/27%2C%20s.%203945), [9145 (1)](https://docs.legis.wisconsin.gov/document/acts/1995/27%2C%20s.%209145); [1995 a. 77](https://docs.legis.wisconsin.gov/document/acts/1995/77), [225](https://docs.legis.wisconsin.gov/document/acts/1995/225); [1997 a. 27](https://docs.legis.wisconsin.gov/document/acts/1997/27), [164](https://docs.legis.wisconsin.gov/document/acts/1997/164), [205](https://docs.legis.wisconsin.gov/document/acts/1997/205), [239](https://docs.legis.wisconsin.gov/document/acts/1997/239); [2001 a. 109](https://docs.legis.wisconsin.gov/document/acts/2001/109); [2005 a. 344](https://docs.legis.wisconsin.gov/document/acts/2005/344); [2007 a. 222](https://docs.legis.wisconsin.gov/document/acts/2007/222); [2009 a. 41](https://docs.legis.wisconsin.gov/document/acts/2009/41), [302](https://docs.legis.wisconsin.gov/document/acts/2009/302); [2011 a. 161](https://docs.legis.wisconsin.gov/document/acts/2011/161); [2021 a. 34](https://docs.legis.wisconsin.gov/document/acts/2021/34).

**Cross-reference:**See also ch. [TCS 9](https://docs.legis.wisconsin.gov/document/administrativecode/ch.%20TCS%209), Wis. adm. code.

Compelling Amish parents to send their children to high school infringed upon their religious liberties. State v. Yoder, [49 Wis. 2d 430](https://docs.legis.wisconsin.gov/document/courts/49%20Wis.%202d%20430), [182 N.W.2d 539](https://docs.legis.wisconsin.gov/document/courts/182%20N.W.2d%20539) (1971).

Affirmed. [406 U.S. 205](https://docs.legis.wisconsin.gov/document/courts/406%20U.S.%20205) (1972).

Compulsory school attendance laws are not safety statutes. Riemer v. Crayton, [57 Wis. 2d 755](https://docs.legis.wisconsin.gov/document/courts/57%20Wis.%202d%20755) (1973).

Under the facts of this case, parents' refusal, on claimed religious grounds, to send children to school was a personal, philosophical choice by parents, rather than a protected religious expression. State v. Kasuboski, [87 Wis. 2d 407](https://docs.legis.wisconsin.gov/document/courts/87%20Wis.%202d%20407), [275 N.W.2d 101](https://docs.legis.wisconsin.gov/document/courts/275%20N.W.2d%20101) (Ct. App. 1978).

This section permits VTAE [now technical college] instructors to teach a limited number of courses to public school students, under certain circumstances, without Department of Public Instruction certification. Green Bay Education Ass'n v. DPI, [154 Wis. 2d 655](https://docs.legis.wisconsin.gov/document/courts/154%20Wis.%202d%20655), [453 N.W.2d 915](https://docs.legis.wisconsin.gov/document/courts/453%20N.W.2d%20915) (Ct. App. 1990).

This section is not unconstitutionally vague. State v. White, [180 Wis. 2d 203](https://docs.legis.wisconsin.gov/document/courts/180%20Wis.%202d%20203), [509 N.W.2d 434](https://docs.legis.wisconsin.gov/document/courts/509%20N.W.2d%20434) (Ct. App. 1993).

A dispositional order, based solely upon habitual truancy, cannot endure beyond the school term during which the juvenile reaches 18 years of age. State v. Jeremiah C., [2003 WI App 40](https://docs.legis.wisconsin.gov/document/courts/2003%20WI%20App%2040), [260 Wis. 2d 359](https://docs.legis.wisconsin.gov/document/courts/260%20Wis.%202d%20359), [659 N.W.2d 193](https://docs.legis.wisconsin.gov/document/courts/659%20N.W.2d%20193), [02-1740](https://docs.legis.wisconsin.gov/document/wicourtofappeals/02-1740).

The trial court erred in ruling that this section requires a conviction under sub. (5) (a) before sub. (5) (b) is triggered. The disobedience exception in sub. (5) (b) 2. was an affirmative defense to the charge here and should have been presented to the fact-finder during the trial for resolution. State v. McGee, [2005 WI App 97](https://docs.legis.wisconsin.gov/document/courts/2005%20WI%20App%2097), [281 Wis. 2d 756](https://docs.legis.wisconsin.gov/document/courts/281%20Wis.%202d%20756), [698 N.W.2d 850](https://docs.legis.wisconsin.gov/document/courts/698%20N.W.2d%20850), [04-1005](https://docs.legis.wisconsin.gov/document/wicourtofappeals/04-1005).

The Amish and compulsory school attendance. 1971 WLR 832.