

1983 Assembly Bill 887

Date of enactment: **May 10, 1984**

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1983 Wisconsin Act 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* 118.15 (4); and *to create* 115.01 (1g) and (1r) and 118.165 of the statutes, *relating to* establishing criteria for defining private schools and home-based private educational programs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 115.01 (1g) and (1r) of the statutes are created to read:

115.01 (1g) PRIVATE SCHOOL. "Private school" means an institution with a private educational program that meets all of the criteria under s. 118.165 (1) or is determined to be a private school by the state superintendent under s. 118.167.

(1r) HOME-BASED PRIVATE EDUCATIONAL PROGRAM. "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.

SECTION 2. 115.30 (3) of the statutes is amended to read:

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 of 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).

SECTION 3. 118.15 (1) (a) of the statutes is amended to read:

118.15 (1) (a) Except as provided under pars. (b) ~~and (c)~~ to (d) and sub. (4), unless the child is excused under sub. (3) ~~or (4)~~ 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 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.

SECTION 4. 118.15 (4) of the statutes is repealed and recreated to read:

118.15 (4) 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.

SECTION 5. 118.165 of the statutes is created to read:

118.165 Private schools. (1) 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).
 - (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 caring institution under s. 48.60 (1).
- (2) An institution may request the state superintendent to approve the institution's educational program as a private school. The state superintendent shall base his or her approval solely on the criteria under sub. (1).

SECTION 5m. 118.167 of the statutes is created to read:

118.167 Private school determination by state superintendent. If an association that regulates or accredits private educational institutions in this state submits an affidavit to the state superintendent attesting that the institution meets or exceeds all of the criteria under s. 118.165 and the state superintendent finds that the institution does meet or exceed all of the criteria under s. 118.165, the state superintendent shall determine that the institution is a private school. If at any time the state superintendent finds that an institution determined to be a private school under this section no longer meets the criteria under s. 118.165, he or she may withdraw the determination.

SECTION 6. 118.255 (1) (am) of the statutes is repealed.

SECTION 7. 121.51 (3) of the statutes is repealed.

SECTION 8. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

(1) PRIVATE SCHOOL DETERMINATION.		
A	B	C
Statute Sections	Old Cross-References	New Cross-References
115.34 (2)	s. 121.51 (3)	s. 115.01 (1g)
340.01 (56) (a) 1	s. 115.01 (2) or s. 121.51 (3)	s. 115.01 (2)