

Fact Sheet: Truancy

Introduction

Wisconsin law requires that students be educated between the ages of 6 and 18. Parents and guardians are responsible for ensuring that their children are either home-schooled or that they attend school during regular hours.

(Wis. Stat. 118.15; docs.legis.wisconsin.gov/statutes/statutes/118/15).

At its simplest, “truancy” means unexcused absence from school. Wisconsin’s definition of truancy is when a student is absent for part or all of a school day without an acceptable excuse from a parent or guardian. Habitual truancy is when at least five of the unexcused absences happen in a semester.

(Wis. Stat. 118.16; docs.legis.wisconsin.gov/statutes/statutes/118/16).

Each school district gets to define how much of a school day counts as “part,” so it can be helpful to request the district’s truancy policy.

Once a student is habitually truant, the school attendance officer **may** file truancy proceedings with the local court. Note that “may” does not mean “must” – the district has discretion about when and whether to file.

Before a school can refer a student to court, the school must do all of the following:

- a. Notify the parent or guardian at the point at which the student's unexcused absences reach the definition of habitual truancy. (The school is required by law to list the possible penalties within the notice. The fact that the penalties are listed is not an indication of whether or not a court referral will actually happen.)
- b. Meet 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.
- c. Provide 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 consider curriculum modifications.
- d. Evaluate the student to determine whether learning problems may be a cause of the student's truancy and, if so, take 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.)
- e. Conduct an evaluation to determine whether social problems may be a cause of the student's truancy and, if so, take appropriate action or make appropriate referrals.

According to the Wisconsin Department of Public Instruction (DPI):
"The purpose of truancy laws is not to shame and blame, increase the school-to-prison pipeline, reduce connection to the school system, or to impose fines on families as a first step. It is helpful for school staff to keep the purpose of truancy reduction in mind when approaching policy and practice considerations."

Resources from the WI Department of Public Instruction

Name: Answers to Frequently Asked Compulsory School Attendance Questions (Updated 2020)

Website: dpi.wi.gov/sites/default/files/imce/sspw/pdf/schlattendqa.pdf

Outlines the rights and responsibilities related to attendance in Wisconsin schools, and what the Wisconsin statutes say about compulsory school attendance and truancy-related enforcement mechanisms.

Name: Best Practice Approaches to Truancy Reduction: Information for School Attendance Officers

Website: dpi.wi.gov/sites/default/files/imce/sspw/pdf/Best_Practice_Approaches_to_Truancy_Reduction.pdf

An issue-brief presenting a best-practice problem-solving approach to truancy “that diverts youth from the youth justice system and addresses any underlying school and family-system needs contributing to truancy.”

Name: When Mental Health Challenges Contribute to Truancy FAQ (2023)

Website: dpi.wi.gov/sites/default/files/imce/sspw/pdf/When_Mental_Health_Challenges_Contribute_to_Truancy_FAQ.pdf

Information for schools for situations in which mental health challenges impact attendance. Provides useful language about the goals of the youth justice and child protection systems, and the importance of considering whether the student’s needs align with such referrals.

Name: Non-attending Minor Students and Attendance Process FAQ (2023)

Website: dpi.wi.gov/sites/default/files/imce/sspw/pdf/Non-Attending_Minor_Students_and_Attendance_Process_FAQ.pdf

Focuses on what steps schools should take in specific attendance-related situations. Key quote: "For students with a disability, attendance concerns should be addressed through the IEP process."

Name: Guidelines for Termination of Open Enrollment Due to Habitual Truancy

Website: dpi.wi.gov/sites/default/files/imce/open-enrollment/pdf/bulletin-19-05-habitual-truancy.pdf

Habitual truancy is one of the reasons that a non-resident school may terminate open enrollment for a student for the following semester or year, whether or not they have a disability. This 2019 information bulletin provides guidelines that will be considered in an appeal.

This resource material is intended as a self-advocacy guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, please contact an attorney.