

Wisconsin Definition of a Private School

By law, an institution is a private school *only* if its educational program meets *all* of the criteria under Section 118.165(1), Wisconsin Statutes. Below is a plain language explanation of each criterion.

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.

That is to say: *The main objective of the school is to provide a program of education for its students, whether or not the program is religious-based.*

(b) The program is privately controlled.

That is to say: *The school is controlled/administered by a private organization or entity, rather than a public entity.*

(c) The program provides at least 875 hours of instruction each school year.

That is to say: *The school's educational program must provide a minimum of 875 hours of instruction each school year. Non-instructional time, such as lunch periods, naps, bathroom breaks and time between classes should not be included when calculating instructional hours. Religious instruction may be included in the 875 hours. If you have questions or need more information regarding hours of instruction, contact Merry Larsen, DPI School Administration Consultant, at (608) 266-2146.*

(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.

That is to say: *The school must provide instruction in each of the required subjects listed above for each grade in the school. In each of the subjects, the curriculum must be sequentially progressive as evidenced by a scope and sequence within and across all grades.*

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

That is to say: *The program is structured so that it adheres to Wisconsin statute 118.15(1)(a) (see bottom of page). The school does not seek to avoid or circumvent compulsory school attendance requirements, including ages required for school attendance.*

(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).

That is to say: *If the school operates as a residential or boarding school, it must schedule at least two months of vacation during the summer, during which time pupils return to the homes of parents or guardians. Alternatively, if the students do not return to the homes of their parents for at least two months during the summer, the school must be licensed as a child welfare agency under Wisconsin statute 48.60(1). Day schools, in which students return home daily, meet this requirement. This provision does not prohibit a day school from offering summer school or operating a "year-round" day school.*

This is the statute referenced in (e) above: *Compulsory School Attendance: Section 118.15 (1)(a) – Except as provided under paragraphs (b) to (d) 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 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.*