



Public School Open Enrollment Informational Bulletin

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Guidelines for Termination of Open Enrollment Due to Habitual Truancy

2009 WI Act 304 provides that a nonresident school board may notify the parent of a habitual truant, that the pupil may not attend the nonresident school district in the following semester or school year. The following guidelines will be considered in any appeal of termination of open enrollment due to habitual truancy.

Definitions

“Truancy” means any absence of part or all of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of Wis. Stats. § 118.15.

“Habitual truant” means a pupil who is absent from school without an acceptable excuse for part or all of five or more school days on which school is held during a school semester.

Guidelines

- Open Enrollment Policy. If the board wishes to terminate open enrollment for habitual truants, the board must amend its open enrollment policy to include this provision.
- Truancy Policy. Confirm that the definition of truancy in the truancy policy is the same definition used to terminate open enrollment.

The statute defines “habitual truant” as a pupil who is absent without an acceptable excuse for “part or all of five or more school days in a semester.” If the truancy policy defines “part of a school day,” the board must use the same definition when determining whether an open enrollment pupil is habitually truant.

For example, if the policy defines “part of a day” as missing a class, then open enrollment may not be terminated based on tardiness. If the policy defines “part of a day” to include tardiness, then either the truancy policy or the open enrollment policy should specify whether that means one minute, five minutes, fifteen minutes, etc.

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If the board's policy does not define "part of a school day," the district must be able to explain on appeal how pupils are made aware of exactly what constitutes truancy.

- Consistency of Standards and Implementation. The same standards for finding a pupil to be habitually truant should be used for resident pupils and open enrolled pupils.
- Notification of Open Enrollment Consequences of Truancy. In addition to any notices required in the truancy policy, open enrolled pupils and their parents should be notified of the following at the beginning of the school year:
 - The board's truancy policy.
 - The open enrollment consequences of habitual truancy.
 - A clear explanation of what constitutes truancy, including what constitutes "part of a school day."
 - A description of the notifications that a parent can expect to receive when a pupil is absent and/or truant.
 - How and where the parent can view the pupil's attendance record and a process a parent or pupil may follow if they believe the pupil was erroneously marked truant.
- Notification of Absences and Truancy. Provide all notifications required by the board's truancy policy and the following notifications required in state law. Maintain a copy of any written notice or keep a written record of any notice by telephone or in person:
 - Notify the parent or guardian of a child who has been truant of the child's truancy and direct the parent or guardian to return the child to school no later than the next day on which school is in session or to provide an acceptable excuse. This notice must be given before the end of the second school day after receiving a report of an unexcused absence. This notice should also remind the parent or guardian of the open enrollment consequences of habitual truancy.
 - Notify the parent or guardian of a child who has been habitually truant, by registered or certified mail, when the child initially becomes a habitual truant. The notice must include all of the elements required in Wis. Stats. § 118.16 (2) (cg) and must be provided even if the district intends to terminate open enrollment at the end of the semester or school year.