



# Non-Attending Minor Students and Attendance Process

## Frequently Asked Questions and Answers (FAQs)

### Purpose

This document is intended to provide answers to frequently asked questions regarding the attendance process for situations where minor students stop attending school for long periods of time.

### Legal Note

The information provided in this document does not, and is not intended to, constitute legal advice or a “rule” as defined by Wis. Stat. § 227.01(13); instead, all information, content, and materials available on this site are for general informational purposes only. The guidance contained in this document regarding the law should not be considered an authoritative interpretation. School districts should consult with their own legal counsel.

### Responsibility for School Attendance

Wisconsin public schools share responsibility with students and caregivers to ensure school-age children are enrolled in and attending appropriate educational programs. The law provides that any person having under their control a child who is between the ages of 6 and 18 years and that has not yet graduated from high school 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. [Wis. Stat. § 118.15(1)(a)]. Instruction in a home-based private educational program (home schooling) that meets the criteria found in Wis. Stat. § 118.165(1) may be substituted for attendance at a public or private school. [Wis. Stat. § 118.15(4)]. There is no exception in the law for a child who has been expelled, and that child is still required to attend school (or a legal alternative). If the expelled student is a student with a disability, the resident district must continue to provide a Free Appropriate Public Education (FAPE).

The Wisconsin Constitution guarantees a free education for children ages 4 through 20 who have not yet graduated from high school. The requirement of the local school district to provide free public elementary and secondary education to resident children is stated in Wis. Stat. §. 121.77(1) as follows: “Every elementary school and high school shall be free to all pupils who reside in the school district.” A school district must enroll and serve a resident student immediately. A school district may deny education services only if: the student is not a resident of the district; or, pursuant to Wis. Stat. § 120.13(1)(f), if the student is currently expelled from another Wisconsin public school district.



# Non-Attending Minor Students and Attendance Process

## Frequently Asked Questions and Answers (FAQs)

### Table of Contents

1. [What steps should school districts take when a minor student stops attending school completely?](#)
2. [If a student with an Individualized Education Program \(IEP\) stops attending for a length of time, what must the school do to continue to offer FAPE?](#)
3. [What steps should school districts take when a minor student is expected to transfer but they do not actually attend a new school or home school program?](#)
4. [What steps should school districts take when a minor student has been expelled but does not attend a new school or homeschool program?](#)
5. [In the above situation, which district receives the dropout in WISEdata if the student never attends and does not return to the previous school?](#)
6. [When may students leave school even though they have not graduated?](#)
7. [What additional considerations must a school consider for youth at risk of not graduating?](#)
8. [What is the DEWS?](#)
9. [Where can I find information about exit types in WISEdata?](#)
10. [What happens when a student in a virtual charter school stops attending?](#)
11. [What steps should a school take when an adult student \(through age 20\) stops attending yet has not graduated?](#)
12. [What steps should a school take when a student will be temporarily away from the school district and their learning environment for extended periods of time?](#)

1. **What steps should school districts take when a minor student stops attending school completely?**
  - a. School districts are responsible for setting truancy plans pursuant to Wis. Stat. § 118.162 and should be familiar with what the law requires to be identified in those local policies regarding notification and truancy enforcement. District staff should follow their local school district policies related to truancy and habitual truancy, including proactive communication and individualized problem-solving with caregivers and the student. For students with a disability, attendance concerns should be addressed through the IEP process. Absent students should always be tracked through the district's Student Information System (SIS).
  - b. School district staff should proactively meet with representatives from child welfare, youth justice, local law enforcement, district attorneys, the courts, parents, and students to determine a collaborative response to situations involving minor students and school non-attendance.
  - c. If there are child maltreatment and safety concerns, school staff should follow policies related to the mandated reporting of child abuse and neglect. This includes knowing the legal definitions of child abuse and neglect and how to use critical thinking to determine if a report to Child Protective Services (CPS) is warranted, and if not, to instead work with the family to problem solve and identify needed resources.



## Non-Attending Minor Students and Attendance Process Frequently Asked Questions and Answers (FAQs)

- d. If the student's absences are determined to be the result of homelessness, as defined by the [McKinney-Vento Homeless Assistance Act](#) [42 U.S.C. § 11432 *et seq.*], designated school district staff must have established processes to assist homeless students in accordance with federal and state guidelines. It is essential that children and youth experiencing homelessness are able to attend and fully participate in school.
- e. A school district may create a withdrawal process, which should include making every effort to locate and serve a student as well as documenting those efforts.
  - i. This process may include removing the student from their class schedule and roster in their SIS and indicating a code of ODO (meaning, Other, Dropout, or Possible Dropout) in WISEdata.
    1. School districts may wish to create a system within their SIS for tracking students who enroll yet never attend and who no longer appear on their enrollment lists, so as to check in periodically and again attempt to locate and serve the student.
    2. When a student is exited with an ODO code in WISEdata, their absences will no longer be included in school district reporting data related to absenteeism. Note that in such a case, the student would be reflected as a "dropout" student in the data as opposed to an "absent" student.
  - ii. A school district may alternatively determine to maintain the student on their active student enrollment and class roster, continuing to mark a student's daily absences. Choosing this method assists schools in tracking students who have stopped attending.
    1. When a student continues to be marked unexcused, these absences will be included in school district reporting data related to absenteeism.
- f. School districts may decide to create a letter to send to students and families of students if they withdraw them from their roster in their SIS, letting them know that this step has been taken and that the student is welcome back to the district through age 20. This letter can include concern for the student, the district's willingness to work with the student and family, possible alternative learning programs that the district can offer (such as GED programs), and encouragement to return and finish their education.

### 2. If a student with an Individualized Education Program (IEP) stops attending for a length of time, what must the school do to continue to offer FAPE?

Students with disabilities who have not yet graduated with a regular high school diploma have a right to FAPE until the age of 21. A school district cannot terminate special education services under the Individuals with Disabilities Education Act (IDEA) for a student who fails to respond to notices regarding attendance. The district retains its obligation to provide FAPE for that student. This means a student who dropped out could re-enroll and access special education services until they earn a regular high school diploma or reach the maximum age (21).



## Non-Attending Minor Students and Attendance Process Frequently Asked Questions and Answers (FAQs)

A student's lack of attendance generally triggers an obligation to reexamine the student's IEP to determine if changes should be made. If a student with an IEP has stopped attending school, the IEP team needs to continue attempts to contact the student and family to schedule an IEP meeting, using multiple ways of contact (letter, email, phone call, etc.) The IEP meeting that needs to be held to develop or revise the IEP should consider how to remove barriers to attendance and consider if additional services and supports need to be provided. A comprehensive special education reevaluation may be appropriate to assist the IEP team in determining if any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goals set out in the IEP and participate, as appropriate, in the general education curriculum.

If a family does not respond to the attempted contacts, the district should send a letter to the family saying that they are ready and waiting to serve the child, and the family should send their child to school. All attempts to contact the student and family should be documented. The IEP team should continue to document attempts to reach the family to hold an IEP meeting and document communication attempts and IEP meeting discussions for when a parent is not present.

If a student is over 18 and has not yet graduated, the student is still eligible through age 21 for services. If an adult student does not attend scheduled services, the district should conduct an IEP team meeting to address why the student is not attending. If the adult student continues to not attend after the district has made reasonable efforts to secure attendance, the district should notify the student in writing that FAPE remains available until the student reaches the age of 21 or graduates with a regular high school diploma. Adult students have the right to withdraw from school, even though it may not be in their best interests.

Learn more by visiting the [Special Education Indicator 2 webpage](#).

Additionally, the Transition Improvement Grant (TIG) has many great resources on reducing the number of dropouts with IEPs. Learn more by visiting the [TIG Indicator 2 webpage](#).

### **3. What steps should school districts take when a minor student is expected to transfer but they do not actually attend a new school or home school program?**

Both school districts should collaborate to ensure the student enrolls and attends the new school district. If attempts to cause the student to attend school in the new district are not successful, the original district may need to follow the steps outlined in [Question #1](#).



## Non-Attending Minor Students and Attendance Process Frequently Asked Questions and Answers (FAQs)

4. **What steps should school districts take when a minor student has been expelled but does not attend a new school or homeschool program?**

See [Question #1](#). Additional resources related to expulsion can be found on the [Student Service Prevention and Wellness Discipline webpage](#).

5. **In the above situation, which district receives the dropout in WISEdata if the student never attends and does not return to the previous school?**

The school district where the student had been attending will receive the dropout.

6. **When may students leave school even though they have not graduated?**

Students may leave school at the end of the school term, quarter, or semester during which they turn 18 years of age. [Wis. Stat. §. 118.15(1)(a)]. However, because there is juvenile court jurisdiction under the law only until age 18, it is unlikely that a student leaving on their 18th birthday, even if it occurs before the end of the term, can be referred to court.

7. **What additional considerations must a school consider for youth at risk of not graduating?**

Every school board is required to annually, by August 15, identify the children at risk who are enrolled in the school district and develop a plan describing how the school board will meet those children's needs. [[Wis. Stat. § 118.153](#)].

8. **What is the DEWS?**

To help educators identify students who are at risk of dropping out and in need of additional supports early—in the middle grades—DPI developed the Dropout Early Warning System (DEWS). DEWS provides educators with risk scores for all middle school students. Dropping out of school is a process, not a single event, and early predictors of potential drop-outs exist as early as the middle grades. Predicting which current 6th, 7th, 8th, and 9th-grade students are at a higher risk of dropping out of school later on can lead to critical interventions that prevent students from actually dropping out. For more information on this tool, see the [DPI DEWS webpage](#).

9. **Where can I find information about exit types in WISEdata?**

Learn more by visiting the [WISEdata Data Elements Exit Types webpage](#).

10. **What happens when a student in a virtual charter school stops attending?**

Learn more by visiting [DPI's Habitual Truancy, Failure to Participate \(Virtual Charter Schools\) and Expulsion webpage](#).



## Non-Attending Minor Students and Attendance Process Frequently Asked Questions and Answers (FAQs)

### 11. What steps should a school take when an adult student (through age 20) stops attending yet has not graduated?

- a. An adult student has the right to stop attending school, even though this may not be in their best interests.
- b. Staff should make every attempt to locate and serve the student, including sharing information and resources on alternative programs and technical colleges. (Learn more by visiting [DPI's webpage on GED/HSED programs.](#))
- c. A district may withdraw the student from their SIS using the ODO code.
- d. The district may mail a letter to the student indicating they are being removed from their class roster but should indicate the student is always welcome to return and the school will assist them with planning a learning program that meets their unique needs.
- e. For students with an IEP, see [Question #2.](#)

### 12. What steps should a school take when a student will be temporarily away from the school district and their learning environment for extended periods of time?

There may be times when a student will be temporarily away from the school district and their learning environment for extended periods of time. These situations may be due to family events or obligations in a different state or country, including, but not limited to, family reunions, weddings, or sporting events. School district leaders are encouraged to consider policies and procedures for how to handle the enrollment, attendance, and continued learning experience for students in this situation in a consistent and supportive manner. Determination of whether the student should remain enrolled or be exited is a local decision.

Review information on our [WISEdata webpage for Students on Extended Leave](#) for how to code and report attendance.

- Keep in mind that the law provides parents the right to excuse their child from school attendance for any reason in writing before the absence. Parents can exercise this right for up to ten days per school year. [Wis. Stat. § 118.15(3)(c)].
- Ideally, students who temporarily leave the learning environment for long periods of time will stay connected to the school community and make progress toward their learning goals. However, even if the student is still receiving homework, that doesn't mean the student is enrolled and attending. School district staff are encouraged to proactively plan with students and families to determine how learning can continue while they are away and to encourage the student to return to the school community as soon as possible. School staff can discuss their interest in having the student return and being there for them when they do.

*Students with IEPs* - When a student with an IEP is absent for an extended period of time, there are several considerations. The district should look at how its attendance policy generally addresses long-



## Non-Attending Minor Students and Attendance Process Frequently Asked Questions and Answers (FAQs)

term absences. The IEP team should consider if the student can receive the services outlined in their IEP and if FAPE can be provided through remote learning. Some students with IEPs cannot access learning through work being sent home, nor would work sent home count as instructional minutes for special education services. For some situations, an IEP team meeting could be held before the planned absence, and the IEP team could consider incorporating a contingency plan in the student's IEP. When the student returns to school, an IEP meeting should be held to consider the student's progress towards annual goals and the general curriculum to determine current needs and services.

*Re-entry upon the student's return* - School district staff are encouraged to set up a re-entry meeting with the student and family to determine needed supports to ensure the student gets or stays on track for graduation.

*Open Enrolled* - School districts should keep in mind that if a student is open enrolled into the district, they must be physically present in the non-resident district or be enrolled in a Virtual Charter School. More information on Open Enrollment can be found on [DPI's Public School Open Enrollment webpage](#).

*May a WI resident temporarily living outside the state or country be enrolled in a virtual charter school?*  
Learn more by visiting [WISEdata Non-Traditional WISEdata Situations webpage](#).

*Migrant Education Program (MEP)* - Migratory students are students who leave for long periods of time (2-7 months) because their families move from place to place for purposes of agricultural/seasonal work.

- Districts should have processes in place to identify the migratory families in their community, refer them to statewide MEP recruiters, and be prepared to assess and respond to the unique needs of migratory students.
- Once a student is confirmed to have migratory status, the school district will receive an automated notice from WISEdash.
- Supports for migratory students should focus on lessening the challenges they face because of their mobility. This often means collaborating with school districts in the second state or country that migratory students call home to ensure they have the course alignment and credit recovery needed to graduate in either state. When possible, districts should become familiar with the migratory families who will often be arriving to Wisconsin at specific times during the year and be prepared to reach out to those families to assist them with enrollment so that transportation and other essential registration processes are in place.
- More information regarding the identification of migratory students and best practices can be found on the [DPI's Migrant Education webpage](#), and DPI Migrant Education staff are always available to help support district efforts.



# Non-Attending Minor Students and Attendance Process

## Frequently Asked Questions and Answers (FAQs)

### Additional Questions on Coding and Reporting?

[Submit a Help Ticket.](#)

### Additional Questions on Best Practices?

Contact the Student Services Prevention and Wellness Team, [dpisspw@dpi.wi.gov](mailto:dpisspw@dpi.wi.gov) (608) 266-8960

### Additional Resources

- [SSPW Attendance page](#)
- [Answers to Frequently Asked Compulsory School Attendance Questions \(2016\)](#)
- [Best Practices Approaches to Truancy Enforcement: Information for School Attendance Officers - DPI](#)
- [WISEdata attendance page](#)
- [WISEData Non-Traditional WISEdata Situations web page](#)
- [Attendance in Online and Blended Learning Environments page](#)
- [Bringing Attendance Home: Engaging Parents in Preventing Chronic Absence Toolkit - Attendance Works](#)