



## **HOME-BASED PRIVATE EDUCATION PROGRAMS and the WISCONSIN TECHNICAL COLLEGE SYSTEM**

The Wisconsin Technical College System, both at the state and district level, receive requests from parents of home-based private education children regarding attendance in the technical colleges. These requests typically focus on the availability of secondary education instruction, which under the law the parent has agreed to provide to the home-based private education student, and access to our postsecondary educational courses and programs.

The Wisconsin Department of Public Instruction (DPI) has prepared a number of documents to assist parents in understanding their rights and responsibilities when educating their children under a home-based private educational program. The link below will take you to those documents.

<http://dpi.wi.gov/sms/homeb.html>

Historically approximately 20,000 students are registered each year as home-based private education students. The link below will provide 10 years of enrollment data for review. In addition data is provided which will compare home-based education to that of public and private.

<http://dpi.wi.gov/sms/hbstats.html>

In providing guidance to this interest group, the Wisconsin Technical Colleges must establish policies and procedures that are in compliance with federal and state education law, particularly the federal Adult Education and Family Literacy Act of 1998, Pub.L. No. 105-220, 112 Stat. 1059 (1998), and Chapters 38 and 118 of the Wisconsin Statutes. The following questions and answers are intended to supply the reader with information about the technical college system and the home-based private education student. These questions and answers supplement the Q&A provided by DPI.

### **1. What are the eligibility requirements for attending a technical college in Wisconsin?**

There are two eligibility requirements affecting home-based private education children interested in attending a technical college in Wisconsin. One requirement is residency in the State. Non-residents may attend if the local technical college district board approves the enrollment. Assuming a person is a resident or receives approval, the only other eligibility requirement to attend a technical college is that the person be "16 years of age or over." *See Wis. Stats. § 38.22(1).*

The other requirement is related to age. A person under age 16 is eligible to attend a technical college only if he or she “will not be attending the [technical college] district school during the hours of the normal school day” established by the local school district. *See* Wis. Stats. §§ 38.22(1s), 119.18(7) and 120.12(15). However, nothing precludes this same youngster from attending the technical college during “non-school” hours, i.e., evenings, weekends, and summer recess. There is no similar restriction in Wisconsin law that is placed on a home-based private education child between the ages of 16 and 18 years.

**2. May the parent or guardian of a home-based private education youth enroll their child in a technical college for instruction in adult basic education or adult high school secondary level reading, language arts, mathematics, social studies, science or health?**

NO. Children younger than 18 years of age are not eligible to enroll in any adult basic education or adult high school secondary level course or program because an adult is defined as a person 18 years or older. *See* 34 C.F.R. § 460.4(a), (1999) and Wis. Stats. § 990.01(3).

A home-based private education program must include 875 hours of instruction and, but is not limited to, reading, language arts, mathematics, social studies, science and health. Wis. Stats. § 118.65 (c) (d) A technical college may offer instructional services in these subject areas to youth only through a contract for services with a local school district. Instruction provided by a home-based private educational program is not delivered by a local school district and therefore does not qualify for a contract for services. *See* §§ 38.14 and 118.15. However, a technical college may provide instruction in other subject areas such as hunter safety, vocational courses, and non-adult secondary or post-secondary courses.

**3. When may the parent or guardian of a home-based private education youth enroll their child in a technical college for a post-secondary course or program?**

A home-based private education child between the ages of 16 and 18, who otherwise meets the enrollment requirements, if any, may attend a technical college at any time, provided the desired course is not categorized as either an adult basic education or adult high school course.

A student younger than 16 years of age, who otherwise meets the enrollment requirements, if any, may attend a technical college anytime during the summer recess and during evening hours when the local K-12 school is in session. The home-based private education student’s school district of residence is used to determine when school is in session, i.e., the school year and school day. *See* § 38.22(1s)(d).

**4. May the technical college deliver instruction to home-based private education students via distance learning methods such as televised courses, interactive television or Internet?**

YES, provided the desired courses are not categorized as either adult basic education or adult high school courses and the courses are not delivered during the “normal school day” for students younger than 16 years of age. Do we need to address internet differently, does not really fit an hour structure

**5. May home-based private education youth take the GED examination?**

Only after the child turns 18½ years of age or the class in which the student would have entered 9<sup>th</sup> grade has graduated. The waiver granted by the American Council on Education to the state of Wisconsin for the administration of the GED to a 17 year old extends only to those students under contract for an educational program leading to an HSED as set forth in Wis. Stats. § 118.15. The age requirements for the awarding of a high school equivalency diploma may be found in Chapter PI 5 of the Wisconsin Administrative Code. See link;

<http://www.legis.state.wi.us/rsb/code/pi/pi005.pdf>

**6. May home-based private education youth under the age of 18 be allowed to participate in a program designed to prepare a person for a high school equivalency diploma?**

NO. Only students who are attending a technical college under a contract as set forth in Wis. Stat. § 118.15 may receive such services. Since home-based private educational programs are not “schools,” there are no provisions under which the technical college can enter into a contract for these services. However, a child would become eligible for such services at the end of the school term, quarter or semester he or she attains the age of 18.

**7. May a home-based private education youth under the age of 18 be allowed to participate in Wisconsin’s Youth Options Program?**

NO. The youth options program entitles qualified 11<sup>th</sup> or 12<sup>th</sup> grade students enrolled in a public school to attend a Wisconsin postsecondary institution for the purpose of taking one or more courses. *See* Wis. Stats. § 118.55(7r). Students who are attending a private school or are registered in a home-based educational program and are taking up to 2 courses per semester in the public school are not enrolled in the public school for purposes of youth options and therefore are not eligible for the Youth Options Program. *See* <http://dpi.wi.gov/sms/bascinf.html> and Wis. Stats. § 118.145(4).

The following table is based on the premise that the student has the pre-requisite knowledge and skills for the technical college course enrolled.

<b>Home-Based Private Education Students</b>	<b>Age 15 and younger<sup>1</sup></b>	<b>Age 16 and 17</b>	<b>Age 18 or older</b>
Secondary Non-Required <sup>2</sup> Course during School Day	No	Yes	Yes <sup>3</sup>
Secondary Non-Required Course at Night	Yes	Yes	Yes
Adult Basic Education and Adult High School Required Courses during School Day	No	No	Yes
Adult Basic Education and Adult High School Required Courses at Night	No	No	Yes
Post-Secondary Courses during School Day	No	Yes	Yes
Post-Secondary Courses at Night	Yes	Yes	Yes

If you have additional questions, feel free to contact Ann Westrich, WTCS Education Director at [ann.westrich@wtcsystem.edu](mailto:ann.westrich@wtcsystem.edu) or 608.261.4588.

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<sup>1</sup> There must be an approved Technical College District Board policy in place for an individual age 15 and younger to attend any technical college district course. *See* § 38.22(1s)(a).

<sup>2</sup> A “secondary non-required course” is a course that is not designated as adult basic education or as an adult high school course. For example, avocational courses, such as hunter safety, and other vocational courses would generally qualify as “non-required.”

<sup>3</sup> Under federal and state law, a Wisconsin resident younger than 18 years of age is not eligible to enroll in an Adult Education and Family Literacy Act course or program, or a state adult basic education or adult high school course or program. *See* 34 C.F.R. 4604(a), (1999), Wis. Stats. § 990.01(3), and Wis. Stats. Chapter 38, generally.