

The LDOE is providing this information and guidance to public school leaders regarding the rights that parents have to educate their child in an approved home study program or a non-public school that chooses not to seek state approval. This document also addresses documentation that some schools have asked parents to furnish when attempting to withdraw their child from a public school in order to transfer to one of these other educational options.

Compulsory Attendance

Louisiana state law (R.S. 17:221) requires every parent or other person residing in Louisiana having control or charge of any child from that child's seventh birthday until his/her eighteenth birthday to send such child to a public or private day school, unless the child graduates from high school prior to his eighteenth birthday. Any child below the age of seven who is legally enrolled in school is also subject to this law. Parents and other responsible persons are required to assure the attendance of the child in regularly assigned classes during the instructional hours of the school and assure that the child is not habitually tardy from school.

R.S. 17:236 defines a school as an institution for the teaching of children, consisting of an adequate physical plant, instructional staff members, and students. Schools must operate a minimum session of not less than one hundred eighty days. For purposes of compulsory attendance in a non-public school, a child who participates in a home study program approved by the State Board of Elementary and Secondary Education (BESE) shall be considered in attendance at a day school; a home study program shall be approved if it offers a sustained curriculum of a quality at least equal to that offered by public schools at the same grade level.

The words "home school" are often used by parents to refer to their child's participation in an approved home study program and/or enrollment in a non-public school not seeking state approval. Documentation related to compulsory attendance differs between approved home study programs and non-public schools that do not seek state approval.

Participation in Approved Home Study Programs

R.S. 17:236.1 allows parents to seek approval from BESE (through the LDOE, its administering agency) to educate their child through a home study program. Parents are required to seek initial state approval for their home study program within 15 days after it has commenced. This means that parents may begin educating their child in a home study program prior to receiving state approval; they must submit their request for approval to the state within the first 15 days of such program. As such, when a parent seeks to withdraw their child from a public school for the purpose of transferring to an approved home study program, it is possible that the parent may not have yet received state approval.

The LDOE is required to notify the local school superintendent in whose jurisdiction an approved home study program is being conducted. A parent is not required to show any documentation that he or she has already applied for a home study program in order to withdraw his or her child from a public school. In the interim, child welfare and attendance officers having questions about a home study program application should contact Sue Millican at sue.millican@la.gov or at (225) 342-4776.

Enrollment in Non-public Schools Not Seeking State Approval

Per R.S. 17:236, if a non-public school receives no local, state, or federal funds or support, directly or indirectly, instructional staff members shall meet requirements as may be prescribed by the school or church. These schools are not required to seek approval from BESE. In the past, non-public schools not seeking state approval have been permitted to register with the LDOE, but were not required to do so. Registration did not certify anything with regard to the school's compliance with state laws, such as the definition of a school (R.S. 17:236) or the parent's compliance with compulsory attendance laws (R.S. 17:221).

State law dictates that any such school shall operate a minimum session of not less than one hundred eighty days and shall report annually to the LDOE its total attendance as of the thirtieth day of the school's term or session. These schools do not report individual student information to the LDOE, but are required to report a student's attendance within ten days of their enrollment to their prior school. For this reason, when a parent withdraws his or her child from a public school for the purpose of transferring him/her to a non-public school that does not seek state approval, there is no documentation from the LDOE or BESE that can attest to this enrollment.

Guidance to Local School Systems

In summary, there is no documentation that a parent or legal guardian must provide in order to withdraw a child from school. However, as required by law, the LDOE will notify the local superintendent when a home study application has been received and when any subsequent action is taken on the application. Any non-public school not seeking state approval has ten days to provide notice of enrollment to the school the student last attended and local school systems should receive this information directly from those schools.

R.S. 17:230 and Children's Code Article 733.1 authorize and direct visiting teachers, supervisors of child welfare and attendance, and peace/probation officers to investigate cases of nonenrollment and unexcused absences from school of all children within the compulsory school attendance age. Pursuant to R.S. 17:233, if a child is out of school and the parent or legal guardian has not yet applied or been approved for home study or sent notice of enrollment as a non-public school not seeking state approval, the visiting teachers and supervisors of child welfare and attendance may be mandated to contact the parent or legal guardian to inquire about the child's attendance in a school or a home study program. Any questions or concerns that public school employees may have about compulsory attendance should be directed to the district's child welfare and attendance officer.

Please contact Erin Bendily at erin.bendily@la.gov in the LDOE Office of Policy and Governmental Affairs with any questions.