

2024 Regular Session

HOUSE BILL NO. 622

BY REPRESENTATIVE BAYHAM

SCHOOLS: Provides for compulsory school attendance and the definition of a school

1 AN ACT

2 To amend and reenact R.S. 17:221(A)(1) and (E)(1)(a) and 236(A) and (C)(1) through (3),  
3 to enact R.S. 17:236(F), and to repeal R.S. 17:221(E)(1)(b), (2), and (3), to provide  
4 relative to the definition of a school; to remove kindergarten attendance  
5 requirements; to provide for school attendance and duty of parents; to remove home  
6 study program attendance reporting requirements; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:221(A)(1) and (E)(1) and 236(A) and (C)(1) through (3) are  
9 hereby amended and reenacted and R.S. 17:236(F) is hereby enacted to read as follows:

10 §221. School attendance; compulsory ages; duty of parents; excessive absences;  
11 condition for driving privileges

12 A.(1)(a) ~~For the 2021-2022 school year, the parent or legal guardian of a~~  
13 ~~child who is age seven through eighteen and residing within the state of Louisiana~~  
14 ~~shall send the child to a public or nonpublic school, unless the child graduates from~~  
15 ~~high school prior to his eighteenth birthday. A child below the age of seven who~~  
16 ~~legally enrolls in school shall also be subject to the provisions of this Subpart.~~

17 (b) ~~Beginning with the 2022-2023 school year, the~~ The parent or legal  
18 guardian of a child ~~who resides in Louisiana and who is age five, by September~~  
19 ~~thirtieth of the calendar year in which the school year begins, through eighteen shall~~  
20 under the age of majority who chooses to send the child to a public or ~~nonpublic~~

1 ~~nonprofit~~ school, as defined by R.S. 17:236, ~~unless the child's parent or legal~~  
2 ~~guardian opted to defer enrollment of his child in kindergarten pursuant to R.S.~~  
3 ~~17:151.3(D) or the child graduates from high school prior to his eighteenth birthday.~~  
4 ~~A child below the age of five who legally enrolls in school shall also be subject to~~  
5 the provisions of this Subpart.

6 (e) (b) The parent or legal guardian of the child shall also assure the  
7 attendance of the child in regularly assigned classes during regular school hours  
8 established by the school board and shall assure that the child is not habitually tardy  
9 from school pursuant to the provisions of R.S. 17:233.

10 \* \* \*

11 E.(1)(a) Nothing in this Section shall be construed to prohibit a ~~child from~~  
12 ~~enrolling in an approved home study program or a nonpublic school not seeking state~~  
13 ~~approval. The parent or legal guardian responsible for the school attendance of such~~  
14 ~~a child, who is between the ages of five and eighteen, shall report the attendance of~~  
15 ~~the child to the state Department of Education within thirty days of the start of the~~  
16 ~~school term as provided in R.S. 17:232(C).~~ parent or legal guardian from choosing  
17 to homeschool his child or enroll his child in a private school.

18 \* \* \*

19 §236. Definition of a school

20 A. For the purposes of this Chapter, a school is defined as ~~an institution for~~  
21 ~~the teaching of children, consisting of an adequate physical plant, whether owned or~~  
22 ~~leased, instructional staff members, and students.~~ a public or nonprofit institution  
23 under the purview of the State Board of Elementary and Secondary Education that  
24 exists for the purpose of educating children. For such an institution to be classified  
25 as a school, within the meaning of this Chapter, instructional staff members shall  
26 meet the following requirements: if a public day school or a ~~nonpublic school which~~  
27 ~~receives local, state, or federal funds or support, directly or indirectly,~~ nonprofit  
28 school, they shall be certified in accordance with rules established by the State Board  
29 of Elementary and Secondary Education; ~~if a nonpublic school which receives no~~

1 ~~local, state, or federal funds or support, directly or indirectly, they shall meet such~~  
 2 ~~requirements as may be prescribed by the school or the church.~~ Education. In  
 3 addition, ~~except as otherwise provided in Subsection B of this Section,~~ any such  
 4 public or nonprofit institution, to be classified as a school, shall operate a minimum  
 5 session of not less than one hundred eighty days. ~~Solely for purposes of compulsory~~  
 6 ~~attendance in a nonpublic school, a child who participates in a home study program~~  
 7 ~~approved by the State Board of Elementary and Secondary Education shall be~~  
 8 ~~considered in attendance at a day school; a home study program shall be approved~~  
 9 ~~if it offers a sustained curriculum of a quality at least equal to that offered by public~~  
 10 ~~schools at the same grade level.~~

11 \* \* \*

12 C. For the purpose of reporting data:

13 (1) The term "elementary school" means a public or nonprofit school  
 14 composed of any span of grades prekindergarten through grade eight that excludes  
 15 grades nine through twelve.

16 (2) The term "middle school" or "junior high school" means a public or  
 17 nonprofit school composed of any span of grades five through nine that includes  
 18 grades seven and eight and that excludes grades prekindergarten through four and ten  
 19 through twelve.

20 (3) The term "high school" means a public or nonprofit school composed of  
 21 any span of grades nine through twelve.

22 \* \* \*

23 F. Nothing in this Section shall be construed to apply to private schools or  
 24 homeschools.

25 Section 2. R.S. 17:221(E)(1)(b), (2), and (3) are hereby repealed in their entirety.

---

**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

HB 622 Original

2024 Regular Session

Bayham

**Abstract:** Changes the definition of "school" and removes certain attendance and reporting requirements.

**Kindergarten Attendance and Compulsory School Attendance**

Present law provides compulsory school attendance for children age five through 18, unless the child's parent or legal guardian opts to defer enrollment of his child in kindergarten or the child graduates from high school prior to his 18th birthday.

Proposed law instead applies compulsory school attendance requirements to parents of children under the age of majority who choose to send children to a public or nonprofit school.

**Definition of a School**

Present law defines a school as "an institution for the teaching of children, consisting of an adequate physical plant, whether owned or leased instructional staff members, and students". Specifies a home study program shall be approved by the State Bd. of Elementary and Secondary Education if it meets certain curriculum requirements and attendance in such programs shall be considered in attendance at a day school.

Proposed law repeals present law and instead defines school as "a public or nonprofit institution under the purview of BESE that exists for the purpose of educating children".

**Student Attendance Data**

Present law requires a parent or legal guardian of a student enrolled in an approved home study program or a nonpublic school not seeking state approval to report such enrollment to the state Dept. of Education (DOE).

Present law requires DOE, within 30 days of initial approval or denial of an application for an approved home study program and the failure to receive an annual renewal application for a previously approved home study program, to notify the local public school system in which the child was most recently enrolled, and, if different, the public school system in which the child resides.

Present law prohibits DOE from recording such a child as a dropout attributable to the public school where he was most recently enrolled or the public school which he would otherwise attend.

Present law provides that no local public school system shall be responsible for collecting and maintaining school attendance data for any child who is enrolled in an approved home study program unless and until the parent subsequently enrolls the child in a public school under the authority of the school system.

Proposed law repeals present law.

(Amends R.S. 17:221(A)(1) and (E)(1)(a) and 236(A) and (C)(1) through (3); Adds R.S. 17:236(F); Repeals R.S. 17:221(E)(1)(b), (2), and (3))