

SENATE BILL NO. 10

BY SENATORS FIELDS, BARROW, BERNARD, BOUDREAUX, BOUIE, CATHEY, CONNICK, HARRIS, HEWITT, JACKSON, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, PEACOCK, PETERSON, PRICE, SMITH, TALBOT AND TARVER AND REPRESENTATIVES ADAMS, BRYANT, GARY CARTER, ROBBY CARTER, WILFORD CARTER, COX, DUPLESSIS, FREEMAN, FREIBERG, GLOVER, GREEN, HILFERTY, JAMES, JEFFERSON, JENKINS, JORDAN, LANDRY, LARVADAIN, LYONS, MARINO, DUSTIN MILLER, MOORE, NEWELL, PHELPS, PIERRE, PRESSLY, SELDERS, STAGNI, THOMPSON AND WILLARD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 17:151.3, 221(A)(1), and 222, and to enact R.S. 17:221(E),  
3 relative to compulsory school attendance; to provide for mandatory attendance in  
4 kindergarten; to provide for exceptions; to provide for effectiveness; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:151.3, 221(A)(1), and 222 are hereby amended and reenacted and  
8 R.S. 17:221(E) is hereby enacted to read as follows:

9 §151.3. Kindergarten; establishment; entrance age; ~~first grade enrollment,~~  
10 prerequisites

11 A. ~~Beginning with the 1990-1991 school year and thereafter, each~~ **Each** city,  
12 ~~and parish, and other local public~~ school system **board** shall provide for and offer,  
13 in every school having a first grade or in a ~~parish~~ kindergarten center, full-day  
14 kindergarten instruction to each child who is eligible as provided in Subsection B of  
15 this Section.

16 B.(1) ~~The youngest age at which a child may enter kindergarten provided for~~  
17 ~~in Subsection A of this Section shall be one year younger than the age required for~~  
18 ~~that child to enter first grade as provided by R.S. 17:222(A) or, through the 1995-~~  
19 ~~1996 school year, one year younger than the age required by the city or parish school~~  
20 ~~board pursuant to R.S. 17:222(C)(1)~~ **who turns five years of age on or before**  
21 **September thirtieth of the calendar year in which the school year begins.**

1                    ~~(2)~~**B.** However, each city, and parish, **and other local public** school board,  
 2 by rule, may provide, for a child younger than the age prescribed by Paragraph ~~(1)~~  
 3 ~~of this Subsection~~ **A of this Section** to enter kindergarten; provided that ~~such~~ **the**  
 4 child has been evaluated and identified as gifted in accordance with the regulations  
 5 of the state Department of Education ~~for such evaluation.~~ Notwithstanding the  
 6 provisions of R.S. 17:222(A) or (C), any **A** child admitted to kindergarten pursuant  
 7 to this Paragraph **Subsection** shall be eligible to enter first grade upon successful  
 8 completion of kindergarten; provided all other applicable entrance requirements have  
 9 been fulfilled.

10                    C.(1)~~(a)~~ ~~Beginning with the 1991-1992~~ **For the 2021-2022** school year and  
 11 ~~thereafter, every~~ **, a** child, as a prerequisite to enrollment in any **the** first grade of a  
 12 public school, shall have attended at least a full-day public or **private nonpublic**  
 13 kindergarten for a full school year, or shall have satisfactorily passed an academic  
 14 readiness screening administered by the city, or parish, **or other local public** school  
 15 system **board** prior to the time of enrollment ~~for~~ **in** the first grade. Each city, or  
 16 parish, **or other local public** school system **board** shall establish the academic  
 17 readiness level for its **entry into the** first grade ~~based on criteria established by the~~  
 18 ~~system.~~

19                    **(b) Beginning with the 2022-2023 school year, a child, as a prerequisite**  
 20 **to enrollment in the first grade of a public school, shall have attended a full-day**  
 21 **public or nonpublic kindergarten for a full school year, and shall have**  
 22 **satisfactorily passed an academic readiness screening administered by the city,**  
 23 **parish, or other local public school board prior to the time of enrollment in the**  
 24 **first grade. Each city, parish, or other local public school board shall establish**  
 25 **the academic readiness level for entry into the first grade.**

26                    (2) ~~Beginning with the 1991-1992 school year and thereafter, any A child~~  
 27 transferring into the first grade of a public school from out of state ~~and not meeting~~  
 28 **who does not meet** the requirements ~~herein~~ **as provided in Paragraph (1) of this**  
 29 **Subsection** for kindergarten attendance, shall be required to satisfactorily pass an  
 30 academic readiness screening administered by the city, or parish, **or other local**

1 public school system board prior to the time of enrollment for the first grade.

2 (3) ~~Beginning with the 1991-1992 school year and thereafter, any A child not~~  
 3 able to meet the kindergarten attendance requirements ~~of this Section~~ **as provided**  
 4 **in Paragraph (1) of this Subsection** due to illness or extraordinary, extenuating  
 5 circumstances as determined by the city, ~~or parish,~~ **or other local public** school  
 6 board, shall be required to satisfactorily pass an academic readiness screening  
 7 administered by the city, ~~or parish,~~ **or other local public** school system board prior  
 8 to the time of enrollment for the first grade.

9 ~~D.(1) Every parent, tutor, or other person having control or charge~~ **For the**  
 10 **2021-2022 school year, the parent or legal guardian** of a child who is eligible, as  
 11 provided in Subsection ~~B~~ A of this Section, to attend full-day kindergarten ~~for the~~  
 12 ~~1990-1991 school year or thereafter,~~ as a prerequisite to enrollment in any first grade  
 13 of a public school, shall send ~~such~~ the child, ~~beginning with the 1990-1991 school~~  
 14 ~~year,~~ to attend public or ~~private~~ **nonpublic** full-day kindergarten ~~when such~~  
 15 ~~instruction is offered in the public schools,~~ or insure that ~~such~~ the child is  
 16 administered an academic readiness screening as provided in Subsection C of this  
 17 Section ~~prior to the time established in R.S. 17:222 for the child to enter first grade.~~

18 **(2)(a) Beginning with the 2022-2023 school year, the parent or legal**  
 19 **guardian of a child who is eligible, as provided in Subsection A of this Section,**  
 20 **to attend full-day kindergarten shall send the child to a public or nonpublic**  
 21 **kindergarten in accordance with R.S. 17:221.**

22 **(b) Notwithstanding the provisions of this Section or any other provision**  
 23 **of law to the contrary, a parent or legal guardian shall have the option to defer**  
 24 **enrolling his child in kindergarten for one year if either of the following applies:**

25 **(i) The child is four years of age on the first day of the school year.**

26 **(ii) The child is enrolled in a prekindergarten program.**

27 **(c) A parent or legal guardian who opts to defer enrolling his child in**  
 28 **kindergarten pursuant to Subparagraph (b) of this Paragraph shall not be**  
 29 **considered to be in noncompliance with the compulsory school attendance law.**

30 **(3) Nothing in this Section shall be construed to prohibit a child from**

1 being enrolled in and attending kindergarten in a home study program.

2 \* \* \*

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

5 A.(1)~~(a)~~ Every parent, tutor, or other person For the 2021-2022 school year,  
6 the parent or legal guardian of a child who is age seven through eighteen and  
7 residing within the state of Louisiana ~~having control or charge of any child from that~~  
8 ~~child's seventh birthday until his eighteenth birthday~~ shall send ~~such~~ the child to a  
9 public or ~~private~~ nonpublic day school, unless the child graduates from high school  
10 prior to his eighteenth birthday. ~~Any~~ A child below the age of seven who legally  
11 enrolls in school shall also be subject to the provisions of this Subpart.

12 (b) Beginning with the 2022-2023 school year, the parent or legal  
13 guardian of a child who resides in Louisiana and who is age five by September  
14 thirtieth of the calendar year in which the school year begins through eighteen  
15 shall send the child to a public or nonpublic school, as defined by R.S. 17:236,  
16 unless the child's parent or legal guardian opted to defer enrollment of his child  
17 in kindergarten pursuant to R.S. 17:151.3(D) or the child graduates from high  
18 school prior to his eighteenth birthday. A child below the age of five who legally  
19 enrolls in school shall also be subject to the provisions of this Subpart.

20 ~~(c)~~ Every parent, tutor, or other person responsible for sending a child to a  
21 public or private day school under provisions of this Subpart The parent or legal  
22 guardian of the child shall also assure the attendance of ~~such~~ the child in regularly  
23 assigned classes during regular school hours established by the school board and  
24 shall assure that ~~such~~ the child is not habitually tardy from school pursuant to the  
25 provisions of R.S. 17:233.

26 \* \* \*

27 E.(1) Nothing in this Section shall be construed to prohibit a child from  
28 enrolling in an approved home study program or a nonpublic school not seeking  
29 state approval. The parent or legal guardian responsible for the school  
30 attendance of such a child, who is between the ages of five and eighteen, shall

1 report the attendance of the child to the state Department of Education within  
 2 thirty days of the start of the school term as provided in R.S. 17:232(C).

3 (2) A parent or legal guardian responsible for the school attendance of  
 4 a child who is between the ages of five and eighteen and who is enrolled in an  
 5 approved home study program pursuant to R.S. 17:236.1 shall be considered in  
 6 compliance with the school attendance provisions of Paragraph (A)(1) of this  
 7 Section.

8 \* \* \*

9 §222. ~~Age of school~~ School entrance; proof of age, race, and parentage required;  
 10 exceptions

11 A. ~~The age at which a child may enter the first grade of any public school at~~  
 12 ~~the beginning of the public school session shall be six years on or before September~~  
 13 ~~thirtieth of the calendar year in which the school year begins.~~

14 B.~~(1)~~ All children upon entering a ~~parish or city school system~~ public or  
 15 private nonpublic school in the state of Louisiana for the first time shall be required  
 16 to present a copy of their official birth record to the school principal. A short-form  
 17 birth certification card shall be acceptable as a copy of an official birth record. Only  
 18 records from the local or state registrar of vital statistics will be accepted for children  
 19 born in Louisiana. Birth verification forms issued by the local registrar of the parish  
 20 of birth shall be valid and acceptable ~~for entry into the parish or city schools or~~  
 21 ~~private schools.~~

22 ~~(2)~~B.(1) Children born in Louisiana will be given a ~~fifteen-day~~ fifteen-day  
 23 grace period to secure a copy of their birth record. Children born out of this state will  
 24 be given thirty days grace in which to produce a copy of their birth record.

25 ~~(3)~~(2) In cases where birth certificates ~~and/or~~ or birth verification forms  
 26 cannot be obtained, the school principal may accept whatever positive proof of age,  
 27 race, and parentage is available. It shall be left to the discretion of the parish or city  
 28 superintendent of schools, subject to the authority of the school board, as to whether  
 29 or not a child shall continue in school upon failure to comply ~~herewith~~ with this  
 30 Section.

1                   C.~~(1)~~ Notwithstanding the provisions of Subsections A and B of this Section,  
2                   the parish school boards in Jefferson and Orleans parishes may adopt, by rule, and  
3                   enforce ages for entrance into first grade in the schools in their systems which vary  
4                   from the provisions of this Section. All children admitted into school as a result of  
5                   a rule adopted pursuant to this Subsection shall be counted in reports submitted for  
6                   funding under the Minimum Foundation Program and money allocated pursuant to  
7                   such program shall be based on the report which includes such children.

8                   **(2) The provisions of this Subsection shall become void on June 30, 2022.**

9                   Section 2. This Act shall become effective upon signature by the governor or, if not  
10                  signed by the governor, upon expiration of the time for bills to become law without signature  
11                  by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
12                  vetoed by the governor and subsequently approved by the legislature, this Act shall become  
13                  effective on the day following such approval.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_