

2021 Regular Session

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 REPRESENTATIVE LARVADAIN

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

KINDERGARTEN. Provides for mandatory kindergarten attendance and requires compulsory school attendance beginning at age 5. (gov sig)

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 effectiveness; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

8 §151.3. Kindergarten; establishment; entrance age; ~~first grade enrollment,~~
9 prerequisites

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

15 B.(1) ~~The youngest age at which a child may enter kindergarten provided for~~
16 ~~in Subsection A of this Section shall be one year younger than the age required for~~
17 ~~that child to enter first grade as provided by R.S. 17:222(A) or, through the 1995-~~

1 1996 school year, one year younger than the age required by the city or parish school
 2 board pursuant to R.S. 17:222(C)(1) who turns five years of age on or before
 3 September thirtieth of the calendar year in which the school year begins.

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

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

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

29 (2) Beginning with the 1991-1992 school year and thereafter, any A child

1 transferring into the first grade of a public school from out of state ~~and not meeting~~
 2 **who does not meet** the requirements ~~herein~~ **as provided in Paragraph (1) of this**
 3 **Subsection** for kindergarten attendance, shall be required to satisfactorily pass an
 4 academic readiness screening administered by the city, ~~or parish,~~ **or other local**
 5 **public** school ~~system~~ **board** prior to the time of enrollment for the first grade.

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

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

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

26 **(3) Nothing in this Section shall be construed to prohibit a child from**
 27 **being enrolled in and attending kindergarten in a home study program.**

28 * * *

29 §221. School attendance; compulsory ages; duty of parents; excessive absences;

1 condition for driving privileges

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

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

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

22 * * *

23 E.(1) Nothing in this Section shall be construed to prohibit a child from
24 enrolling in an approved home study program or a nonpublic school not seeking
25 state approval. The parent or legal guardian responsible for the school
26 attendance of such a child, who is between the ages of five and eighteen, shall
27 report the attendance of the child to the state Department of Education within
28 thirty days of the start of the school term as provided in R.S. 17:232(C).

29 (2) A parent or legal guardian responsible for the school attendance of

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

5 * * *

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

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

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

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

22 ~~(3)~~(2) In cases where birth certificates ~~and/or~~ or birth verification forms
 23 cannot be obtained, the school principal may accept whatever positive proof of age,
 24 race, and parentage is available. It shall be left to the discretion of the parish or city
 25 superintendent of schools, subject to the authority of the school board, as to whether
 26 or not a child shall continue in school upon failure to comply ~~herewith~~ with this
 27 Section.

28 C.(1) Notwithstanding the provisions of Subsections A and B of this Section,
 29 the parish school boards in Jefferson and Orleans parishes may adopt, by rule, and

1 enforce ages for entrance into first grade in the schools in their systems which vary
 2 from the provisions of this Section. All children admitted into school as a result of
 3 a rule adopted pursuant to this Subsection shall be counted in reports submitted for
 4 funding under the Minimum Foundation Program and money allocated pursuant to
 5 such program shall be based on the report which includes such children.

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

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

The original instrument was prepared by Cheryl Serrett. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tammy Crain-Waldrop.

DIGEST

SB 10 Reengrossed

2021 Regular Session

Fields

Present law (R.S. 17:151.3) requires public school systems to provide for and offer full-day kindergarten and establishes the minimum age for entrance into kindergarten as one year younger than the minimum age for entering first grade, which is six years old on or before Sept. 30th. Also requires that prior to entering first grade that a child must have either attended a full-day kindergarten or have passed an academic readiness screening established by the local school system. Requires parents and legal guardians to send a child to kindergarten or ensure that the child is administered a readiness screening prior to the child entering first grade.

Proposed law requires, beginning with the 2022-2023 school year, a child who turns five years of age on or before Sept. 30th to attend full-day kindergarten and to pass a readiness assessment prior to entering first grade.

Present law (R.S. 17:221) requires compulsory school attendance for children ages seven through 18, unless the child graduates from high school prior to his 18th birthday.

Proposed law provides, beginning with the 2022-2023 school year, that compulsory school attendance begins the year during which a child turns five on or before September 30th.

Present law (R.S. 17:222) provides that the minimum age that a child may enter first grade of any public school is six years of age on or before Sept. 30th of the calendar year in which the school year begins. Allows the Jefferson and Orleans Parish School Boards to set by rule a different minimum age for first grade entrance. Present law also requires proof of age, race, and parentage.

Proposed law removes the minimum age threshold for entry into the first grade. Provides that the provisions of present law that allows Jefferson and Orleans Parishes to establish different entry standards shall become void on June 30, 2022.

Proposed law clarifies that families may home school for kindergarten but must report student attendance to the state Department of Education. Further provides that kindergarten students in an approved home study program shall be considered in compliance with the compulsory attendance law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:151.3, 221(A)(1), and 222; adds R.S. 17:221(E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Changes "private" to "nonpublic".
2. Clarifies that a parent may enroll a child in a home study program or a nonpublic school not seeking state approval.
3. Clarifies that students in an approved home study program shall be considered in compliance with compulsory attendance laws.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.