



STATE OF LOUISIANA
DEPARTMENT OF EDUCATION
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December 11, 2000

TO: City/Parish Superintendents, Principals, Supervisors of Child Welfare and Attendance, Title I Directors, School Nurses and School Guidance Counselors

FROM: Cecil J. Picard
State Superintendent of Education

SUBJECT: Enrollment and Access to Education Services for Homeless/Abandoned, Foster Care Students and Recent Immigrant Students/Denial of School Records for Fines or Fees

Recently there has been a resurfacing of barriers to enrollment and educational services for homeless/abandoned/foster care and for new immigrant students in some of our schools. Residency, lack of school records, birth certificates, immunizations, and fines or fees have caused some students to be denied enrollment in some school systems. Some of these students are not receiving the same access to services (school lunch, Title I, Special Education, transportation, etc.) as other Louisiana students.

There are several conflicting State and Federal statutes relative to enrollment and access to education services:

- A 1996 Louisiana Attorney General's Opinion (96-36, June 10, 1996) stated that "The holding of a student's school records in order to force debt repayment is an action which contradicts the primary objective of the Louisiana school system and results in punishment of the child when the debt is either the result of the parents' nonpayment or the result of some action by the child. In order to continue to foster the goal of providing children with a complete education and to follow the law as stated in Louisiana Civil Code 2318, the school district's recourse should be against the parents and not the child."
- A 1997 State law (R.S. 17:8[A][1][b][iii]), provides: "Notwithstanding any law or rule or regulation to the contrary, the governing authority of an elementary or secondary school may withhold the grades of a student who does not reimburse the school or school system for the student's failure to exercise reasonable and proper care for and control over school books or other instructional materials, supplies, and equipment."
- During the First Extraordinary Session, 2000, Senate Bill 24 was enacted to ensure that children having no permanent address, certain abandoned children, and children in foster care are enrolled in school immediately.

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- In the case *Plyer vs. Doe* (457 U.S.202, [1982]), the United States Supreme Court held that undocumented alien children cannot be denied a free public education.
- The U.S. Attorney General opined that school officials acting to exclude alien children from public schools may under federal and state law subject themselves to a civil rights lawsuit. (42 U.S. C. A., 1983).
- The Stewart B. McKinney Homeless Assistance Act (P.L. 101-645) mandates immediate enrollment and access to comparable educational services for homeless students and ensures that immunization policies shall not be used to deny homeless/immigrant students enrollment in school
- The *Individuals with Disabilities Education Act* requires that every public agency develop an individualized educational program ("IEP") for each disabled child in its jurisdiction. (34 CFR 3001340, et seq). School records are an important part of the development of the IEP.

Because many of the above are conflicting, I am reviewing this information for any necessary legislative clarification. I will forward any proposed changes to you for your review.

In the meantime, I am asking you please to make every effort to help students obtain immediate access into our schools. Denying access to school for any reason (records, fines, fees, immunizations, birth certificates etc.) only hurts children. If parents/guardians go to the schools to register students, please try to enroll the students immediately. Parents should get the above records/birth certificates, health records as soon as possible after enrollment. Let's find a way to welcome all children into our schools and make it easy for them to transfer and obtain their records. Our main objective must always be to educate children, not to penalize them.

I appreciate your attention to this important matter. It is our responsibility to ensure that abandoned/foster care/homeless/immigrant students have the same opportunity to meet the same challenging State content and performance standards (IASA of 1994 P.L. 103-382) to which all students are held. If you have specific questions, please direct them to Luke A. Chiniche, Jr., Ed.S., Division of Special populations at 1-800-259-8826 or 225-342-1190.