

U.S. DEPARTMENT OF EDUCATION

State Regulation of Private Schools



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**U.S. Department of Education
Office of Innovation and Improvement
Office of Non-Public Education**

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<www.ed.gov/admins/comm/choice/regprivschl/index.html>.

LOUISIANA

Accreditation/Registration/Licensing/Approval

- No requirements for *Accreditation*.
- *Registration* is mandatory.
 - If a nonpublic school chooses not to seek state approval the school must register with the state in order to be in compliance with Louisiana’s compulsory attendance law. *La. R.S. Ann. §17:232(C) and (D)*.
 - To register a nonpublic school must submit a signed letter, include the name of the school, contact information, and total number of students enrolled to the Department of Education by the thirtieth day after the school session begins. *La. R.S. Ann. §17:232(C)*
- No requirements for *Licensing*.
- *Approval* is optional.
 - The Louisiana Board of Elementary and Secondary Education approves any private elementary, secondary, or proprietary school upon application, if such school meets and maintains a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools. *La. Const. Art. VIII, § 4; La. R.S. Ann. §17:11*.
 - After initial approval the board will annually determine whether the private school is maintaining such quality, and if not, shall discontinue approval of the school. *La. R.S. Ann. §17:11*.
 - A school can be classified “approved”, “provisionally approved” if there are minor deficiencies in meeting state requirements, “probationally approved” if the school has more serious deficiencies, or “unapproved.” Schools are evaluated annually. A school that is provisionally or probationally approved for more than one consecutive year loses its approved status and its eligibility for state funding. *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators §107*.
 - All certificates and diplomas issued by an approved private school shall carry the same privileges as one issued by a state public school. *La. R.S. Ann. §17:11(C). Louisiana Department of Education Bulletin 741: Handbook for School Administrators §2111(D)*.

Teacher Certification

- To be classified as a school under the General School Law provisions, the instructional staff of a nonpublic school receiving local, state, or federal funds or support, directly or indirectly, must be qualified in accordance with the rules established by the Board of Elementary and Secondary Education. If the school does not receive public aid, directly or indirectly, the instructional staff must meet such requirements as □ may be prescribed by the school or the church. *La. R.S. Ann. §17:236*.

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- Instructional staff at nonpublic schools must meet one of the three following criteria: hold a valid Louisiana teaching certification for the courses he or she instructs; qualify to teach in a nonpublic school by having a bachelor's degree from a regionally accredited institution, have a college major or equivalent in the area of instruction, earn 12 semester hours of Knowledge of the Learner and the Learning Environment; or obtain a one year Nonpublic Temporary Teaching Authorization (NTTA) issued by the Louisiana Department of Education or diocesan superintendent for schools within the diocesan system. *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators §303.*

Length of School Year/Days

- To be classified as a school under the General School Law provisions, the institution must operate a minimum session of 180 days. *La. R.S. Ann. §17:236.*

Curriculum

- State approval of a nonpublic school is dependent on whether the school meets and maintains a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools. *La. R.S. Ann. §17:11.*
- A minimum of 23 credits is required for high school graduation. The requirements are: four units of English, three units of mathematics, three units of science, three units of social studies, two units of health and physical education, and eight units of electives (a maximum of four credits in religion. Specific details of these requirements can be found in *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators §2109.*
- No more than 35 students can be enrolled in one class except for physical education, art, music, etc. *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators §707.*

Recordkeeping/Reports

- Nonpublic schools must keep registration and attendance records of students and maintain a current permanent record of the student's individual data and progress through school. *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators §505.*
- Nonpublic schools must maintain a health record for each student from pre-kindergarten to grade 12. *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators §519.*
- A nonpublic school is required to submit a school report to the State Department of Education by October 15 each year. *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators §527.*
- Upon entering a private school for the first time, all children must present a copy of their official birth record to the school principal. Children born in Louisiana will be given a 15-day grace period to secure a copy of their birth record. Children born out of this state will be given a 30-day grace period in which to produce a copy of their birth record. If birth certificates or birth verification cannot be obtained, the school principal may accept whatever positive proof of age, race, and parentage is available. It is left to the discretion of the parish or city superintendent of schools, subject to the

authority of the school board, as to whether or not a child shall continue in school upon failure to comply. *La. R.S. Ann.* §§7:167, 222.

- Private schools that receive local, state, or federal funds, directly or indirectly, or whose students or their parents are recipients or beneficiaries of any local, state, or federal education program or assistance must cooperate with visiting teachers or supervisors of child welfare and attendance. Principals must report in writing to the visiting teacher or supervisor of child welfare and attendance the name, birth date, race, parents, and residence of each pupil in attendance at their schools within 30 days after the beginning of the school term and make other reports as required. Attendance must be taken daily and at the beginning of each class period, verified by the teacher keeping the record, and open to inspection. All schools must immediately report unexplained, unexcused, or illegal absence, or habitual tardiness. *La. R.S. Ann.* §17:232.A, B, C.
- Private schools that do not receive local, state, or federal funds, directly or indirectly, and neither students or parents are recipients or beneficiaries, are required to report to the Louisiana Department of Education their total attendance as of the 30th day of their school term. *La. R.S. Ann.* §17.232.C.
- All schools in Louisiana must respond to the request of a city or parish public school system as to whether an individual student is enrolled in the school and fulfilling the compulsory attendance requirements. *La. R.S. Ann.* §17.232.D.
- Approved nonpublic schools may receive upon request and without cost progress profiles of their students at Louisiana colleges and universities. The performance data includes a standard designation of students by age or by high school graduation date and the program they completed in high school. The report includes information on the number of students from each high school in each system requiring remedial training and the subject matter of such training. *La. R.S. Ann.* §3912.C(3).

Health and Safety Requirements

- Persons entering any school within Louisiana for the first time must present satisfactory evidence of immunization or an immunization program in progress according to the schedule approved by the Office of Public Health. If the student or parent submits either a written statement from a physician that the procedure is contraindicated for medical reasons or a written dissent, the student is not required to be immunized. Administrators of all elementary and secondary schools are responsible for checking students' records to see that these provisions are enforced. In the event of an outbreak of a vaccine-preventable disease at the school, the administrators are empowered to exclude unimmunized students until the appropriate disease incubation period has expired or the unimmunized person presents evidence of immunization. *La. R.S. Ann.* §17:170.
- It is the duty of the state health officer to prepare and promulgate rules and regulations relative to public and private schools. Plans and specifications for such public and private building structures and facilities must be submitted to the state health officer for review and approval. *La. R.S. Ann.* §40:4.
- Under the *Missing Children Identification Act*, parents have the opportunity to have a child identification card created by the local sheriff in cooperation with the elementary schools. The identification card includes the child's photograph and

fingerprints and other identifying information. The card becomes the property of the child's parent but is kept in the care and custody of the principal of the elementary school that the child attends. The principal of each elementary school must request parent notification forms from the local sheriff for entering students and anticipated transfer students. The principal must deliver the forms to the parents for their consent no less than two weeks prior to the scheduled identification process. The principal retains all returned parent notification forms, whether granting or denying consent. No cause of action lies against any principal for failure to comply. The sheriff will send an identification officer to the elementary school at a time mutually agreed upon between the sheriff and the principal. *La. R.S. Ann.* §40:2514-17.

- Private schools may request the Department of Transportation and Development to place directional signs to identify the location of their school. The Department will erect and maintain each sign. The cost of the sign must be paid for in advance by the requestor. *La. R.S. Ann.* §32:238.

Transportation

- Parish and city school boards must provide free transportation for nonpublic school students attending approved schools, providing the school does not discriminate on the basis of race, creed, color, or national origin. If a parish or city school board determines transportation by bus is impractical, not available, or unwarranted, the board may utilize common carriers. If transportation is not provided by the parish or city school by reason of economically justifiable reasons approved by the State Board of Elementary and Secondary Education, the Department of Education will reimburse the parent of any student who resides more than one mile from the school as funds are appropriated by the legislature, but not more than \$125 per student or \$375 per family. *La. R.S. Ann.* §17:158.
- “If transportation is not provided by the public school board, parents of students attending nonpublic schools shall be reimbursed for transportation, provided funds are appropriated.” *La. R.S. Ann.* §17:158(C), (D), (H) *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators §1901.*
- Approved nonpublic schools may voluntarily pool their bids with city and parish school boards for purchases of school buses and related equipment. The Department of Education prepares bid forms and specifications, obtains quotations of prices, and makes such forms and information available to school boards and any participating nonpublic schools in order to facilitate this service. *La. R.S. Ann.* §158.3.
- Contract drivers of all privately owned school buses transporting private school students qualify for a refund of one-half of the gasoline tax and the special fuels tax. *La. R.S. Ann.* §47:715.1.
- The secretary of the department of revenue and taxation will make refunds of gasoline taxes on gasoline used for operating any boat to transport children to or from parochial schools.

Textbooks

- City and parish school boards which disburse school library books, textbooks, and other materials of instruction to nonpublic school students may submit to the

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superintendent of education documentation to verify administrative costs and receive reimbursement from the state. *La. R.S. Ann.* §17:353.

- Secondary schools with more than 350 students must have a full-time librarian. Secondary schools with fewer than 350 students must have a part-time librarian. *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators §1705.*

Testing

- Student assessment of private school students is optional.
- Any approved nonpublic school that participates in the state Graduation Exit Examination (GEE 21) shall award a state or school diploma to a student who successfully completes the state's minimum graduation requirements and successfully pass English or Language Arts and Mathematics and either Science or Social Studies components of the examination. Any nonpublic school that opts to give the graduation exit examination shall follow rules and regulations set by the State Board of Elementary and Secondary Education. Any approved nonpublic school that does not choose to administer the state graduation exit examination to its students may grant a school diploma, which shall carry the same privileges as one issued by a state-approved public school. The awarding of high school diplomas shall in no way effect the school approval classifications of any school. *Louisiana Department of Education Bulletin 741: Handbook for School Administrators §2111*

Special Education

- Louisiana at times places exceptional students in nonpublic schools. Local education agencies must apply to the state education agency for the authority to place children with disabilities in programs other than public schools. The Office of Special Education ensures that private schools serving exceptional children and receiving funds establish uniform accounting and reporting procedures and meet minimum requirements established by the Department of Education. Funds may be withheld from nonpublic schools that do not comply with the intent of the law following a due process hearing. *La. R.S. Ann.* §§17:1944(12), (16), (17), (19);1949.
- Louisiana provides special education services to nonpublic school students. *La. R.S. Ann.* §§17:1941–1956. The United States District Court for the Eastern District of Louisiana has ruled that this statute, which allowed state-paid special education teachers to teach on the premises of pervasively sectarian institutions, is unconstitutional as applied. *Helms v. Cody*, No. 85-5533, 1994 U.S. Dist. Lexis 8206 (E.D. La. June 10, 1994).

Nursing and Health

- There is no state policy at this time.

Technology

- There is no state policy at this time.

Professional Development

- “Regular and planned faculty meetings on professional issues shall be held.” *Louisiana Department of Education Bulletin 741: Louisiana Handbook for Nonpublic School Administrators* §305.
- The Louisiana State Board of Elementary and Secondary Education must appoint an advisory committee of private and proprietary school representatives to advise and counsel the board relative to standards and guidelines affecting these schools. *La. R.S. Ann.* §17:11.

Reimbursement for Performing State/Local Functions

- The superintendent of education annually reimburses approved nonpublic schools for the actual cost incurred for providing school services, maintaining records and completing and filing mandatory reports e.g. forms, reports or records relative to school approval or evaluation, public attendance, pupil health and pupil health testing, transportation of pupils, federally funded educational programs including school lunch and breakfast programs, school textbooks and supplies, library books, pupil appraisal, pupil progress, transfer of pupils, teacher certification, teacher continuing education programs, unemployment, annual school data. *La. R.S. Ann.* §17:361. The United States District Court for the Eastern District of Louisiana has ruled that this provision is constitutional on its face, but unconstitutional as applied by the Louisiana Department of Education. *Helms v. Cody*, No. 85-5533, 1994 U.S. Dist. Lexis 8206 (E.D. La. June 10, 1994).

Tax Exemption

- Property owned by nonprofit corporations, organized and operated exclusively for religious or educational purposes and exempt from federal and state income tax, are exempt from ad valorem taxation. *La. Const.* Art. VII, § 21.

Public Aid for Private Education

- **Constitutional provisions:** According to the Louisiana Constitution, the legislature shall appropriate funds to supply free school books and other materials of instruction prescribed by the State Board of Elementary and Secondary Education to the children of the state. *La. Const.* Art. VIII, § 13.
Private schools that are racially segregated are ineligible for state assistance of any kind, including textbooks, materials and transportation. *Brumfield v. Dodd*, 405 F. Supp. 338 (E.D. La. 1977).
In 1970, the Louisiana Supreme Court ruled unconstitutional Louisiana's Secular Educational Services Law, *La. R.S. Ann.* §17:1322–1324, that would have allowed the superintendent of public education to purchase secular educational services from nonpublic school teachers to be performed at nonpublic schools with public funds. *Seegers v. Parker*, 241 So.2d 213 (1970).
- **Programs for financial assistance for attendance at private schools:**
Louisiana has two such programs.
1) Student Scholarships for Educational Excellence Program became law in 2008 and provides scholarships for New Orleans students from families with a family income no greater than 250 percent of the federal poverty guidelines and enrolled in a

Recovery School District. Kindergarten through third-grade students are eligible to receive the scholarship of an amount “equivalent to ninety percent of the per pupil amount the covered district receives from combined state and local sources” or the private school’s tuition, whichever is less. Scholarship recipients remain eligible to receive the scholarship through grade 12 as long as they remain enrolled in a participating school. Only approved, provisionally approved, and probationally approved schools are eligible to participate. A total of \$10 million of funding is permitted for Fiscal Year 2008–09. *La. R.S. Ann.* §§17:4011–17:4025.

2) Elementary and Secondary School Tuition Deduction became law in 2008 and allows for a deduction for the sum of amounts paid or incurred during the taxable year by a taxpayer to a public elementary or secondary school for a student's participation in curricular and core classes or expenses for the purchase of school uniforms; to a qualified private elementary or secondary school; or for qualified education expenses associated with homeschooling. The deduction shall equal 50 percent of the actual amount of tuition and fees paid by the taxpayer per student or \$5,000 per student, whichever is less. *La. R.S. Ann.* §§47:297.10–47:297.12

Homeschooling

- Solely for purposes of compulsory attendance in a nonpublic school, a child who participates in a home study program approved by the State Board of Elementary and Secondary Education 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. *La. R.S. Ann.* §236.
- A home study plan is a program in which an approved curriculum can be implemented under the direction and control of a parent or a tutor. Any child eligible to attend an elementary or secondary school in Louisiana is eligible to participate in a home study plan. Home study regulations are found at *La. R.S. Ann.* §§17:236, 17:236.1.
- The State Board of Elementary and Secondary Education (SBESE) may approve home study programs. To be approved by the SBESE, a home study program must offer a sustained curriculum of a quality at least equal to that offered by the public schools, consist of an adequate physical plant, and operate a minimum session of no less than 180 days. *La. R.S. Ann.* §§17:221.3, 17:232(C) and (D), and 17:236, 17:236.1, and 17:236.2.
- An initial application must be made within 15 days of beginning a program of home instruction. It must include a completed application and certified *copy* of the birth certificate for the child. A short-form birth certification card is acceptable as a certified *copy* of the birth certificate. *La. R.S. Ann.* §17:236.1.
- A renewal application must be made by the first of October of the school year or within 12 months of the approval of the initial application, whichever is later. A renewal application is accepted upon presentation of satisfactory evidence that the program offered a sustained curriculum of a quality at least equal to that of the public schools at the same grade level. The sustained curriculum can be substantiated in several ways, including presentation of test results on which the student scored at or above his or her grade level or description and substantiating documents detailing the contents of the instructional program. *La. R.S. Ann.* §17:236.1.

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- State Board policy requires local school systems to provide textbooks to students participating in SBESE approved home study programs when extra copies are available. Local school systems may charge a deposit fee for each book borrowed by a home study parent, but the deposit is refunded when the books are returned. *La. R.S. Ann.* §17:351.
- State Assessment is not required. A student in an SBESE approved home study program may request the local school board or State Superintendent administer the i LEAP, LEAP, or GEE tests. It is the parent's responsibility to contact the testing coordinator in early February to arrange the student's participation in state testing. A fee of no more than \$35 for administering, scoring and reporting may be charged. *La. R.S. Ann.* §17:236.1.
- Completion of a home study program does not entitle the student to a regular high school diploma. Only public and approved nonpublic schools that meet state requirements may issue a state diploma. The State Board can award the General Equivalency Diploma (GED), provided the student passes the GED examination. *La. R.S. Ann.* §17:11.

Information resources

- [Louisiana Department of Education: Nonpublic Schools](http://www.doe.state.la.us/lde/curr/1573.html)
<<http://www.doe.state.la.us/lde/curr/1573.html>>
- [Louisiana Department of Education: Registered Nonpublic Schools](http://www.doe.state.la.us/lde/curr/2158.html)
<<http://www.doe.state.la.us/lde/curr/2158.html>>
- [Louisiana Department of Education: SBESE Approved Home Study Guidance and Applications](http://www.doe.state.la.us/lde/curr/1650.html) <<http://www.doe.state.la.us/lde/curr/1650.html>>
- [Louisiana State Legislature 2008 Session: HB 1347](http://www.legis.state.la.us/billdata/streamdocument.asp?did=503381)
<<http://www.legis.state.la.us/billdata/streamdocument.asp?did=503381>>
- [Louisiana State Legislature](http://www.legis.state.la.us/)
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