

## **Enrollment Discrimination Policy Guidance**

Under Louisiana law, BESE-authorized charter schools are considered local educational agencies (LEAs) and are responsible for complying with all state and federal laws concerning the education of children with disabilities.

Local educational agencies in Louisiana are prohibited from implementing enrollment policies or procedures that discriminate against qualified individuals with disabilities. Federal regulations implementing Section 504 of the Rehabilitation Act of 1973 state that "[n]o qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance." While Louisiana law does allow some charter schools to adopt "admission requirements that are consistent with the school's role, scope, and mission," it also states that those requirements "shall include a system for admission decisions which precludes exclusion of pupils based on [a pupil's] identification as a child with an exceptionality."

The prohibitions on discrimination in school enrollment extend to recruitment efforts, accommodations for admissions testing, and other preadmission interactions between LEAs and parents. Each LEA in Louisiana must make a free appropriate public education, including special education and related aids and services designed to meet the individual needs of children with disabilities, available to all children with disabilities enrolled in the LEA. Therefore, local educational agencies are prohibited from informing or suggesting to parents of students with disabilities that the parents should not enroll their child in the LEA because the LEA does not currently provide the services or placement necessary for the child or because the child's disability might be better served by another LEA.

Individuals, including school employees, who violate the anti-discrimination requirement of federal law may be subject to personal liability for non-compliance with those requirements. In a number of court cases, employees of public agencies have been found personally liable for compensatory and punitive damages when plaintiffs have been able to establish they the employee's violation was intentional or was the result of bad faith or gross misjudgment by the employee.

## **Relevant Regulations**

Bulletin 126 §2705. Admission Requirements

Bulletin 1706 §210. Treatment of Charter Schools and their Students

34 C.F.R. §104.4. Discrimination Prohibited