

ASSIGNMENT TO SCHOOLS

The principal of each school shall ascertain whether each child enrolled in his school meets residence requirements according to the explanation of the term "domicile" established below. If such information is not in the pupil's record, he shall initiate steps to obtain it in writing from the parents of the child in question. This review shall be completed within 30 days of the beginning of each school year.

The principal finding a pupil erroneously enrolled in his school shall:

1. Notify the pupil and his parents or legal guardian.
2. Advise them as to the pupil's correct school zone and give notice that the child will not receive credit for any classes attended unless transfer and attendance to the proper school is accomplished immediately.
3. Process withdrawal of the pupil from the school.
4. Notify the receiving principal that the pupil will be enrolling in his school.
5. Notify the parish director of census and attendance.

Explanation of "Domicile":

A minor cannot choose his domicile; therefore, the domicile of a minor is generally that of his father. A minor is a person under 18 years of age who has never been married and who has not had his disabilities removed by a court. An exception to this rule exists when the legal custody of the minor has been awarded to someone other than the father by court order; when this occurs, the domicile of the minor becomes that of his custodian or legal guardian. For example, the domicile of a pupil with divorced parents is the domicile of the parent to whom his custody is awarded. A parent cannot change custody of the minor simply by allowing the pupil to stay with a relative or friend. The awarding of custody or the appointment of a guardian can be done only through the appropriate court proceeding and order, by a state court. In the case of a child whose parents have abandoned him and who has no legal guardian, the determination of residence by the State Department of Welfare shall govern.

In determining the domicile of the parent or guardian having legal custody of the pupil, it should be noted that the husband generally has the right to fix the domicile for the family. When the family domicile has been chosen by the husband, it becomes the domicile of the wife. The wife may not choose a separate domicile except when her husband abandons her or the wrongful acts of her husband justify their becoming permanently separated.

A parent or legal guardian may have more than one residence, but he may have only one domicile. Therefore, if a parent or legal guardian lives within Lafayette Parish Public School District, he has only one domicile. The person must first actually live in a residence; in addition, the person must intend to make the actual residence his permanent home. Once a domicile is acquired, it cannot be changed unless the person takes up actual residence in another place and has the intention to make the newly acquired residence his permanent home.

In determining whether a person has the intent to make a residence his permanent home, many factors must be considered. The circumstances surrounding a declaration of intent to make a newly acquired residence his domicile determines whether the residence is in fact his domicile. The surrounding manifestations which support or defeat one's declaration of intent are numerous and vary with each situation. As noted above, the burden of establishing that a particular residence has become the pupil's domicile for school attendance purposes rests with the parent or legal guardian so asserting. For purposes of these guidelines, that attendance zone in which the parent or legal guardian exercises his right to vote, as shown by the registrar of voters records, shall control until it is legally changed. In the absence of a registration to vote, a declaration of domicile filed with the clerk of court as provided for by Articles 41 and 42 of the Louisiana Civil Code shall control.

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