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## DIGEST

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HB 823 Original

2020 Regular Session

Hilferty

**Abstract:** Creates a new category of early childhood care facility, an early learning home provider, in which an individual provides care in a private residence for 7-12 children not related to the individual, and requires licensure by the state Dept. of Education in order to operate.

### **Early childhood care and education, generally**

Present law provides generally for oversight of early childhood care facilities by the State Bd. of Elementary and Secondary Education and for the administration of licensure and registration programs for different types of such facilities by the state Dept. of Education (DOE). Proposed law retains present law and provides for licensing requirements for a new category of facility as provided below.

## **Early learning centers**

Present law provides for DOE licensing of early learning centers, defined as any child day care center (seven or more children), Early Head Start Center, Head Start Center, or stand-alone prekindergarten program not attached to a school. Requires that early learning centers be licensed as a condition of operation and provides penalties for operating without a license.

## **Family child care providers; In-home providers**

Present law provides for DOE registration of family child care providers and in-home providers, defined as follows:

- (1) Present law defines "family child care provider" as an individual who provides child care services for six or fewer children for fewer than 24 hours per day per child as the sole caregiver, in a private residence. Proposed law revises this definition to specify that the individual also resides at the residence and that the "six or fewer" children do not include those related to the individual and otherwise retains present law.
- (2) Present law defines "in-home provider" as an individual who provides child care services in a child's own home. Proposed law retains present law.
- (3) Present law defines "relative" or "related" as the child, niece, or nephew of the provider. Proposed law redefines "relative" or "related" as the child or grandchild of the provider or a child in the provider's legal custody.

Present law requires that such providers be registered and provides penalties for operating without registration. Proposed law retains present law.

Present law exempts such providers who do not directly or indirectly receive state or federal funds related to the care provided and individuals who provide care for only related family members from registration requirements. Proposed law retains present law.

## **Early learning homes**

Proposed law creates a new category of child care providers to be licensed by DOE, the "early learning home", defined as a private residence in which an individual lives and provides child care services for fewer than 24 hours per day per child for 7-12 children not including those related to the individual. (Defines "related" as the child or grandchild of the provider or a child in the provider's legal custody.) Requires all early learning homes to be licensed by DOE as a condition of operation and provides penalties for operating without a license; this requirement applies regardless of whether the provider receives state or federal funding related to the care provided.

Proposed law includes provisions for:

- (1) Standards for licenses.

- (2) Penalties for violations.
- (3) Criminal background reviews.
- (4) Inspections of licensed facilities.
- (5) Denial and revocations of licenses and appeal procedures.
- (6) Information that must be disclosed to parents.
- (7) Procedures regarding complaints.

### **Public records exceptions**

Present law (R.S. 44:1 et seq. – the Public Records Law) provides for access and retention of public records. Establishes a framework for the ready availability of public records to requesting persons. Provides that the identity of a person making a complaint against an early learning center, a family child care provider, or an in-home provider shall be confidential and shall not be subject to present law (the Public Records Law). Proposed law additionally applies present law to the identity of a person making a complaint against an early learning home.

(Amends R.S. 17:407.35(C) and 407.62(5) and (7) and R.S. 44:4.1(B)(9); Adds R.S. 17:407.35(D), 407.63(D), and 407.101-407.116)