

Regular Session, 2014

SENATE BILL NO. 524

BY SENATORS WALSWORTH AND LAFLEUR AND REPRESENTATIVES CARTER AND LEGER

EARLY CHILDHOOD ED. Provides for transfer of the lead agency for the Child Care and Development Fund Block Grant and the transfer of oversight and administration of licensing and regulation of early learning centers from the Department of Children and Family Services to the Department of Education. (7/1/14)

1 AN ACT

2 To amend and reenact R.S. 15:587.1(A)(1)(a), 36:474(A)(11), and 477(B)(1), 46:1401,

3 1402, 1402.1, 1403, 1404(A), 1405, 1406, 1407, 1414.1, 1415, 1417, 1418(A), 1419,

4 1420(A), 1421, 1422, 1423, 1427, 1428, and 1430, to enact R.S. 17:407.26 and Part

5 X-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be

6 comprised of R.S. 17:407.31 through 407.51, and to repeal R.S. 46:1414, 1426 and

7 1429, relative to early learning center licensing; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:587.1(A)(1)(a) is hereby amended and reenacted to read as

10 follows:

11 §587.1 Provision of information to protect children

12 A.(1)(a) As provided in R.S. 15:825.3, R.S. 17:15, **R.S. 17:407.42,**

13 Children's Code Article 424.1, and R.S. 46:51.2 and 1441.13, any employer or others

14 responsible for the actions of one or more persons who have been given or have

15 applied to be considered for a position of supervisory or disciplinary authority over

16 children, and as provided in R.S. 46:51.2(A), the Department of Children and Family

17 Services as employer of one or more persons who have been given or have applied

1 to be considered for a position whose duties include the investigation of child abuse
 2 or neglect, supervisory or disciplinary authority over children, direct care of a child,
 3 or performance of licensing surveys, shall request in writing that the bureau supply
 4 information to ascertain whether that person or persons have been arrested for or
 5 convicted of, or pled nolo contendere to, any criminal offense. The request must be
 6 on a form prepared by the bureau and signed by a responsible officer or official of
 7 the organization or department making the request. It must include a statement
 8 signed by the person about whom the request is made which gives his permission for
 9 such information to be released.

10 * * *

11 Section 2. R.S. 17:407.26 and Part X-B of Chapter 1 of Title 17 of the Louisiana
 12 Revised Statutes of 1950, comprised of R.S. 17:407.31 through 407.51, is hereby enacted
 13 to read as follows:

14 **§407.26. Federal Funds for the Child Care and Development Fund Programs;**

15 **state Department of Education's authority to receive**

16 **A. The state Department of Education may accept and direct the**
 17 **disbursement of funds appropriated by any act of Congress and apportioned to**
 18 **the state for use in connection with any Child Care and Development Fund**
 19 **programs. The state Department of Education shall deposit all such funds**
 20 **received from the federal government with the state treasurer who shall make**
 21 **disbursements upon the direction of the state Department of Education.**

22 **B. The State Board of Elementary and Secondary Education shall**
 23 **promulgate rules and regulations to implement the Child Care and**
 24 **Development Fund State Plan. The state Department of Education shall develop**
 25 **and implement the state plan in accordance with such rules and regulations.**

26 * * *

27 **PART X-B. EARLY LEARNING CENTER LICENSING**

28 **§407.31. Short title**

29 **This Part may be cited as the "Early Learning Center Licensing Act".**

1 **§407.32. Legislative intent; declaration of purpose and policy**

2 It is the intent of the legislature to protect the health, safety, and
3 well-being of the children of the state who are in out-of-home care on a regular
4 or consistent basis. Toward that end, it is the purpose of this Part to establish
5 statewide minimum standards for the safety and well-being of children in early
6 learning centers, to ensure maintenance of these standards, and to regulate
7 conditions in these centers through a program of licensing. The State Board of
8 Elementary and Secondary Education shall promulgate rules and regulations
9 to implement a program of licensing for early learning centers and the state
10 Department of Education shall administer the licensing program pursuant to
11 such rules and regulations.

12 **§407.33. Definitions**

13 A. As used in this Part, the following definitions shall apply unless the
14 context clearly states otherwise:

15 (1) "Camp" means any place or facility operated by any institution,
16 society, agency, corporation, person or persons, or any other group which serves
17 only children five years of age or older and operates only when school is not in
18 session during the summer months or school holidays.

19 (2) "Child" means a person who has not reached age eighteen or
20 otherwise been legally emancipated.

21 (3) "Child day care center" means any place or facility operated by any
22 institution, society, agency, corporation, person or persons, or any other group
23 for the purpose of providing care, supervision, and guidance of seven or more
24 children, not including those related to the caregiver, unaccompanied by parent
25 or legal custodian, on a regular basis for at least twelve and one-half hours in
26 a continuous seven-day week. If a child day care center provides transportation
27 or arranges for transportation to and from the center, either directly or by
28 contract with third parties, all hours during which a child is being transported
29 shall be included in calculating the hours of operation. A child day care center

1 that remains open for more than twelve and one-half hours in a continuous
2 seven-day week, and in which no individual child remains for more than
3 twenty-four hours in one continuous stay shall be known as a full-time child day
4 care center. A child day care center that remains open after 9:00 p.m. shall meet
5 the regulations established for nighttime care.

6 (4) "Department" means the Department of Education

7 (5) "Early learning center" means any child day care center, Early Head
8 Start Center, Head Start Center, or stand-alone prekindergarten or
9 kindergarten program that is not attached to a school.

10 (6) "License type" means the type of license applied for or held, which
11 shall include Type I, Type II, and Type III.

12 (7) "Related" or "relative" means a natural or adopted child or
13 grandchild of the caregiver or a child in the legal custody of the caregiver.

14 §407.34. Requirement of licensure

15 All early learning centers, which include child day care centers, Early
16 Head Start centers, Head Start centers, and stand-alone prekindergarten or
17 kindergarten programs not attached to a school, shall be licensed prior to
18 beginning operations in Louisiana. Early learning center licenses shall be of
19 three types: Type I, Type II, and Type III.

20 §407.35. Exemptions from licensure requirements

21 A. Public and non-public day schools serving children in grades one and
22 above, including any kindergartens or prekindergarten programs attached
23 thereto, as well as camps, and care given without charge, shall be exempt from
24 the provisions of this Part.

25 B. A recognized religious organization which is qualified as a tax-exempt
26 organization under Section 501(c) of the Internal Revenue Code, which remains
27 open for not more than twenty-four hours in a continuous seven-day week, and
28 in which no individual child remains for more than twenty-four hours in one
29 continuous stay shall not be considered an early learning center for the

1 purposes of this Part.

2 C. Nothing in this Part shall apply to children in programs licensed or
3 operated by the Department of Health and Hospitals or the Department of
4 Children and Family Services.

5 §407.36. Types of Licenses

6 A. A "Type I license" is the type of license issued to an early learning
7 center that is owned or operated by a church or religious organization and that
8 receives no state or federal funds from any source, whether directly or
9 indirectly.

10 (1) No early learning center holding a Type I license shall receive any
11 state or federal funds, from any source, whether directly or indirectly.

12 (2) If an early learning center holding a Type I license receives any state
13 or federal funds, its license shall be automatically revoked.

14 B. A "Type II license" is the type of license issued to an early learning
15 center that either receives no state or federal funds from any source, whether
16 directly or indirectly, or whose only source of state or federal funds is from the
17 United States Department of Agriculture's food and nutrition programs,
18 hereinafter referred to in this Part as "federal food and nutrition programs".

19 (1) No early learning center holding a Type II license shall receive any
20 state or federal funds, from any source, whether directly or indirectly, other
21 than those funds received solely for federal food and nutrition programs.

22 (2) If an early learning center holding a Type II license receives any state
23 or federal funds, whether directly or indirectly, other than those received solely
24 for federal food and nutrition programs, its license shall be automatically
25 revoked.

26 C. A "Type III license" is the type of license issued to any early learning
27 center which receives state or federal funds, directly or indirectly, from any
28 source other than the federal food and nutrition programs. Type III early
29 learning centers shall meet the performance and academic standards of the

1 Early Childhood Care and Education Network regarding kindergarten
2 readiness as determined by the State Board of Elementary and Secondary
3 Education.

4 §407.37. Operating without a license; penalties

5 A. Whoever operates any early learning center without a valid license
6 issued by the department shall be fined by the department not less than one
7 thousand dollars for each day of such offense.

8 B. If any early learning center operates without a valid license issued by
9 the department, the department may file suit in the district court in the parish
10 in which the center is located for injunctive relief, including a temporary
11 restraining order, to restrain the institution, agency, corporation, person or
12 persons, or any other group operating the center from continuing the violation.

13 §407.38. Transitional provisions; applicable regulations

14 A. Until such time as rules are promulgated by the State Board of
15 Elementary and Secondary Education to implement the types of licenses
16 required by R.S. 17:407.36, early learning centers shall follow the rules,
17 regulations, and standards in effect for Class A and Class B licensure of child
18 care facilities found in La. Admin. Code, Title 67, Part III, Subpart 21, Child
19 Care Licensing.

20 B. Upon promulgation by the State Board of Elementary and Secondary
21 Education of rules to implement the three types of licenses:

22 (1) All existing early learning centers possessing a Class B license shall
23 be issued a Type I license as provided by rule, unless the center meets the
24 definition of a Type II license, in which case it shall be issued a Type II license
25 as provided by rule.

26 (2) All existing early learning centers possessing a Class A license that
27 meet the definition of a Type II license shall be issued a Type II license as
28 provided by rule.

29 (3) All existing early learning centers possessing a Class A license that

1 meets the definition of a Type III license shall be issued a Type III license as
2 provided by rule.

3 C. Any early learning center that intends to change its license type at any
4 time during the following calendar year shall apply for a new license no later
5 than December first of the preceding year. This Subsection shall not apply to
6 early learning centers changing location or ownership that are required to apply
7 for a new license.

8 **§407.39. Licenses; application; temporary or provisional; fees**

9 A. Application for licensure of a new early learning center shall be made
10 by the center to the department using forms furnished by the department. Upon
11 receipt of an application for a license and verification that minimum
12 requirements for such license as established by rule are satisfied, and upon
13 verifying that the center is in compliance with all applicable state and local laws
14 and regulations, the department shall issue a Type I, Type II, or Type III license
15 for such period as may be provided for by rule.

16 B. The State Board of Elementary and Secondary Education may
17 provide by rule for the issuance of temporary, provisional, or extended licenses
18 for each license type if a disapproval has not been received from any state or
19 local agency authorized by any laws or rules to inspect or approve such centers.

20 C. A license of any type shall apply only to the location stated on the
21 application, and such license, once issued, shall not be transferable from one
22 person to another or from one location to another. If the location or ownership
23 of the center is changed, then the license shall be automatically revoked.

24 D. Each licensed center shall display its license in a prominent place at
25 the center.

26 E. There shall be an annual license fee for each type of early learning
27 center in an amount equal to the annual license fee in effect for all Class A and
28 Class B child care facilities possessing such license upon the effective date of this
29 Section, without an increase in the amount of such fees.

1 **F. There shall be an annual license fee of twenty-five dollars for any**
2 **license issued to an early learning center providing care for fifteen or fewer**
3 **children; one hundred dollars for any license issued to an early learning center**
4 **providing care for at least sixteen but no more than fifty children; one hundred**
5 **seventy-five dollars for any license issued to an early learning center providing**
6 **care for at least fifty-one but no more than one hundred children; and two**
7 **hundred fifty dollars for any license issued to an early learning center providing**
8 **care for more than one hundred children.**

9 **G. The annual licensure fees provided in this Section shall not apply to**
10 **Type I early learning centers.**

11 **H. Annual fees for any type or category of license shall not be increased**
12 **unless expressly authorized by statute as provided in Article VII, Section 2.1 of**
13 **the Constitution of Louisiana.**

14 **§407.40. Rules, regulations and standards for licenses**

15 **A. The State Board of Elementary and Secondary Education shall**
16 **promulgate regulations for each type of license which, at a minimum, shall**
17 **accomplish all of the following:**

18 **(1) Promote the health, safety, and welfare of children attending any**
19 **early learning center.**

20 **(2) Promote safe and proper physical facilities at all early learning**
21 **centers.**

22 **(3) Promote adequate supervision of those attending early learning**
23 **centers.**

24 **(4) Promote adequate and healthy food service in early learning centers**
25 **where food is offered.**

26 **(5) Prohibit discrimination on the basis of race, color, creed, sex, national**
27 **origin, handicap, ancestry, or whether the child is being breastfed. However,**
28 **nothing in this Paragraph shall be construed to affect, limit, or otherwise**
29 **restrict the hiring or admission policies of an early learning center owned by a**

1 church or religious organization, or prohibit such a center from giving
2 preference in hiring or admission to members of the church or denomination.

3 (6) Include procedures for the receipt, recordation, and disposition of
4 complaints.

5 B. (1) Every early learning center approved for licensure by the
6 department shall be required to have all of the following:

7 (a) Approval from the Office of State Fire Marshal.

8 (b) Approval from the Department of Health and Hospitals.

9 (2) Each Type III early learning center shall also be required to obtain
10 approval from the department of adherence to the performance and academic
11 standards of the Early Childhood Care and Education Network regarding
12 kindergarten readiness as determined by the State Board of Elementary and
13 Secondary Education. The department shall base its approval upon the uniform
14 accountability system as promulgated by the State Board of Elementary and
15 Secondary Education.

16 C. The State Board of Elementary and Secondary Education shall
17 conduct a comprehensive review of all standards, rules, and regulations for all
18 licenses every three years.

19 D. The State Board of Elementary and Secondary Education, upon
20 request by the department, may waive compliance with a licensing minimum
21 standard upon determination that the economic impact is sufficiently great to
22 make compliance impractical, as long as the health and well-being of the staff
23 or children is not imperiled. If it is determined that the early learning center is
24 meeting or exceeding the intent of a standard or regulation, the standard or
25 regulation may be deemed to be met.

26 E. Nothing in the rules, regulations, and standards adopted pursuant to
27 this Section shall authorize or require medical examination, immunization, or
28 treatment of any child whose parents object to such examination, immunization,
29 or treatment.

1 **§407.41. State Central Registry Disclosure Requirement**

2 **A. No individual whose name is recorded on the state central registry**
3 **within the Department of Children and Family Services as a perpetrator for a**
4 **justified finding of abuse or neglect of a child shall own or operate a licensed**
5 **early learning center or shall be hired by a licensed early learning center as an**
6 **employee or volunteer of any kind, including any therapeutic professionals,**
7 **extracurricular personnel, and other independent contractors, unless there is**
8 **a finding by the Department of Children and Family Services that the**
9 **individual does not pose a risk to children.**

10 **B. Any owner, operator, current or prospective employee, or volunteer**
11 **of a licensed early learning center shall report annually, and at any time upon**
12 **the request of the department, on the state central registry disclosure form**
13 **promulgated by the Department of Children and Family Services, whether or**
14 **not his name is currently recorded on the state central registry for a justified**
15 **finding of abuse or neglect and he is the named perpetrator.**

16 **C. Any such current or prospective employee or volunteer of a licensed**
17 **early learning center shall submit the state central registry disclosure form to**
18 **the owner or operator of the facility, who shall maintain the documents in**
19 **accordance with current licensing requirements. Any state central registry**
20 **disclosure form that is maintained in an early learning center licensing file shall**
21 **be confidential and subject to the confidentiality provisions of R.S. 46:56(F)**
22 **pertaining to the investigations of abuse and neglect.**

23 **D. Any owner, operator, current or prospective employee, or volunteer**
24 **of a licensed early learning center who knowingly falsifies the information on**
25 **the state central registry disclosure form shall be guilty of a misdemeanor**
26 **offense and shall be fined not more than five hundred dollars, or imprisoned for**
27 **not more than six months, or both.**

28 **E. Any owner, operator, current or prospective employee, or volunteer**
29 **of a licensed early learning center who discloses that he is currently recorded**

1 on the state central registry for a justified finding of abuse or neglect shall be
2 entitled to a risk assessment evaluation provided by the Department of Children
3 and Family Services to determine whether the individual poses a risk to
4 children. Any such individual who is determined to pose a risk to children shall
5 have the right to file an appeal in accordance with R.S. 49:992 of the
6 Administrative Procedure Act. Any such determination shall be kept on file at
7 all times by the Department of Children and Family Services.

8 **§407.42. Criminal History Review**

9 A. No person who has been convicted of or has pled nolo contendere to
10 a crime listed in R.S. 15:587.1(C) shall directly or indirectly own, operate, or
11 participate in the governance of an early learning center, or shall be hired by
12 any early learning center as a volunteer or employee of any kind, including any
13 therapeutic professionals, extracurricular personnel, and other independent
14 contractors, or shall be hired by the department in a position whose duties
15 include the performance of licensing inspections in early learning centers.

16 B.(1) The State Board of Elementary and Secondary Education shall
17 establish by regulation, requirements and procedures consistent with the
18 provisions of R.S. 15:587.1 under which:

19 (a) The owner or operator of an early learning center may request
20 information concerning whether or not any owner or volunteer, applicant, or
21 employee of any kind including contractors, of an early learning center has been
22 arrested for or convicted of or pled nolo contendere to any criminal offense.

23 (b) The department may request information concerning whether or not
24 an applicant or employee of the department in a position whose duties include
25 the performance of licensing inspections has been arrested for or convicted of
26 or pled nolo contendere to any criminal offense.

27 (2) Included in this regulation shall be the requirement and the
28 procedure for the submission of a person's fingerprints in a form acceptable to
29 the Louisiana Bureau of Criminal Identification and Information prior to

1 employment of such person. A person who has submitted his fingerprints to the
2 Louisiana Bureau of Criminal Identification and Information may be
3 temporarily hired pending the report from the bureau as to any convictions of
4 or pleas of nolo contendere by the person to a crime listed in R.S. 15:587.1(C).

5 §407.43. Inspections

6 It shall be the duty of the department, through its duly authorized
7 agents, to inspect at regular intervals not to exceed one year, and as deemed
8 necessary by the department, and without previous notice, all early learning
9 centers subject to the provisions of this Part. The department shall also develop
10 and facilitate coordination with and among other authorized agencies making
11 inspections at regular intervals. The early learning centers shall be open to
12 inspection by authorized inspection personnel and by parents or legal
13 custodians of children in care only during working hours.

14 §407.44. Denial, refusal to renew, or revocation of license; written notice

15 The department shall have the power to deny, revoke, or refuse to renew
16 a license for an early learning center if an applicant has failed to comply with
17 the provisions of this Part or any applicable, published rule or regulation of the
18 State Board of Elementary and Secondary Education relating to early learning
19 centers. If a license is denied or revoked, or renewal is refused, the action shall
20 be effective when made, and the department shall notify the applicant or
21 licensee of such action in writing immediately, and of the reason for the denial
22 or revocation, or refusal to renew the license.

23 §407.45. Denial, refusal to renew, or revocation of license; appeal procedure

24 A. Upon the refusal of the department to grant or renew a license or
25 upon the revocation of a license, the applicant or licensee having been refused
26 a license or renewal, or having had a license revoked shall have the right to
27 appeal such action to the division of administrative law by submitting a written
28 request for an appeal to the department within thirty calendar days after
29 receipt of the notification of the refusal to grant a license, or within fifteen

1 calendar days after receipt of the notification of the refusal to renew or
2 revocation. The department shall notify the division of administrative law
3 within ten calendar days of receipt of a request for an appeal and the appeal
4 hearing shall be held no later than thirty calendar days after such notice, with
5 an administrative ruling no later than fifteen calendar days from the date of a
6 hearing for revocation or refusal to renew a license, or within thirty days from
7 the date of a hearing for the denial of a new license. This provision shall in no
8 way preclude the right of the party to seek relief through mandamus suit
9 against the department, as provided by law.

10 B. Notwithstanding any law, rule, regulation, or provision to the
11 contrary, including but not limited to R.S. 49:964(A)(2), the department shall
12 be entitled to seek judicial review from any final decision or order rendered by
13 the division of administrative law in any appeal hearing arising under this Part.
14 The venue of judicial review shall be the district court of the parish in which the
15 licensee is located.

16 §407.46. Operating in violation of regulations; penalties and fines

17 A. (1) For violations related to supervision, criminal history record
18 checks, the state central registry disclosure form, staff-to-child ratios, motor
19 vehicle checks, or failure to report critical incidents, the department may issue
20 a written warning that includes a corrective action plan, in lieu of revocation,
21 upon any person or entity violating these requirements if such condition or
22 occurrence does not pose an imminent threat to the health, safety, rights, or
23 welfare of a child. Failure to implement a corrective action plan issued pursuant
24 to this Section may result in either the assessment of a civil fine or license
25 revocation or may result in both actions being taken by the department. Such
26 civil fine shall not exceed two hundred fifty dollars per day for each assessment;
27 however, the aggregate fines assessed for violations determined in any
28 consecutive twelve-month period shall not exceed two thousand dollars.

29 (2) The State Board of Elementary and Secondary Education shall adopt

1 rules in accordance with the Administrative Procedure Act that articulate
2 factors in determining the type of sanction imposed including the severity of
3 risk, the actual harm and mitigating circumstances, the failure to implement a
4 written corrective action plan, the history of noncompliance, an explanation of
5 the treatment of continuing and repeat deficiencies, evidence of a good faith
6 effort to comply, and any other relevant factors. The authority to impose
7 sanctions pursuant to this Section shall commence on the effective date of the
8 rules promulgated pursuant to this Section.

9 B. The State Board of Elementary and Secondary Education shall adopt
10 rules and regulations in accordance with the Administrative Procedure Act to
11 provide for notice to the early learning center of any violation, for a
12 departmental reconsideration process for sanctions issued, and for an appeal
13 procedure including judicial review. Such appeal shall be suspensive. All
14 appeals pursuant to this Subsection shall be heard by the division of
15 administrative law pursuant to Chapter 13-B of Title 49 of the Louisiana
16 Revised Statutes of 1950. The division shall furnish to the facility or agency a
17 copy of the decision, together with notice of the manner for requesting judicial
18 review. During the pendency of an appeal, an early learning center may
19 continue to receive funding for services provided to those eligible children as
20 determined by the department.

21 C. The department may institute any necessary civil court action to
22 collect fines imposed and not timely appealed. No child care facility shall claim
23 imposed fines as reimbursable. Interest shall begin to accrue at the current
24 judicial rate on the day following the date on which any fines become due and
25 payable. All costs of any successful action to collect such fines, including travel
26 expenses and reasonable attorney fees, shall be awarded to the department in
27 addition to the fines.

28 D.(1) Civil fines collected pursuant to the provisions of this Section shall
29 be deposited immediately into the treasury.

1 **(2) After compliance with the requirements of Article VII, Section 9(B)**
2 **of the Constitution of Louisiana relative to the Bond Security and Redemption**
3 **Fund, and prior to the monies being placed in the state general fund, an amount**
4 **equal to the amount deposited as provided in Paragraph (1) of this Subsection**
5 **shall be credited to a special fund hereby created in the state treasury to be**
6 **known as the "Early Learning Center Licensing Trust Fund", hereinafter**
7 **referred to as "the fund". The monies in the fund shall be subject to annual**
8 **appropriation and shall be available exclusively for use by the department for**
9 **the education and training of employees, staff, or other personnel of child care**
10 **facilities.**

11 **(3) The monies in the fund shall be invested by the treasurer in the same**
12 **manner as the monies in the state general fund, and all interest earned from the**
13 **investment of monies in the fund shall be deposited in and remain to the credit**
14 **of the fund. All unexpended and unencumbered monies remaining in the fund**
15 **at the end of the fiscal year shall remain in the fund.**

16 **§407.47. Complaints against centers**

17 **It shall be the duty of the department, through its duly authorized**
18 **agents, to report all complaints, including but not limited to complaints alleging**
19 **child abuse or the prevention or spread of communicable diseases, against any**
20 **early learning center to the appropriate agencies for investigation and**
21 **disposition.**

22 **§407.48. Disclosure of center information**

23 **A. The department shall make available, upon written request of a**
24 **parent or legal custodian of any child who has applied for placement in an early**
25 **learning center licensed by the department, the following information relative**
26 **to such early learning center:**

27 **(1) Any violations of standards, rules, or regulations in the prior twelve**
28 **months.**

29 **(2) Any waivers of minimum standards authorized for such early**

1 learning center.

2 B. Requests may be sent by email, facsimile, or mail and shall include the
3 name of each early learning center for which information is requested.

4 C. Early learning centers shall make available to parents or legal
5 custodians information on how to view or obtain copies of early learning center
6 licensing inspections from the department's website.

7 §407.49. Parent-child relationship

8 The State Board of Elementary and Secondary Education and the
9 department shall not interfere with the parent-child relationship regarding the
10 religious training of a child, where all of the following conditions are met:

11 (1) The parent or legal custodian has enrolled their child in a child care
12 facility, including but not limited to a child residential facility, operated by a
13 religious, nonprofit organization which is exempt from federal income taxes
14 pursuant to 26 U.S.C. 501(c)(3).

15 (2) Where, as a condition of enrollment, the child is required to attend
16 religious services or classes and the parent or legal custodian of the child agrees
17 to such condition.

18 §407.50. Immunization information; influenza

19 A. Each licensed early learning center, before November first of each
20 year, shall make available to each child's parent or legal custodian information
21 relative to the risks associated with influenza and the availability, effectiveness,
22 known contraindications and possible side effects of the influenza
23 immunization. Such information shall include the causes and symptoms of
24 influenza, the means by which influenza is spread, and the places where a
25 parent or legal custodian may obtain additional information and where a child
26 may be immunized against influenza. Such information shall be updated
27 annually if new information on such disease is available.

28 B. (1) The Department of Health and Hospitals shall develop and provide
29 information on influenza immunization to the department. The department

1 shall provide such information to each licensed early learning center, which
2 shall make the information available to each child's parent or legal custodian
3 pursuant to Subsection A of this Section.

4 (2) The Department of Health and Hospitals and the department shall
5 determine respectively the most cost-effective and efficient means of
6 distributing such information.

7 C. The department, in consultation with the Department of Health and
8 Hospitals, shall establish by rules and regulations all guidelines and procedures
9 for carrying out the provisions of this Section in accordance with the
10 Administrative Procedure Act.

11 D. Nothing in this Section shall be construed to require any licensed early
12 learning center, the department, or the Department of Health and Hospitals to
13 provide or pay for immunizations against influenza.

14 §407.51. Rules

15 The State Board of Elementary and Secondary Education shall
16 promulgate rules and regulations in accordance with the provisions of the
17 Administrative Procedure Act to carry out the provisions of this Part.

18 Section 3. R.S. 36:474(A)(11), and 477(B)(1) is hereby amended and reenacted to
19 read as follows:

20 §474. Powers and duties of the secretary of the Department of Children and Family
21 Services

22 A. In addition to the functions, powers, and duties otherwise vested in the
23 secretary by law, he shall:

24 * * *

25 (11) Except as provided in Subsection G of this Section, prepare and submit
26 a state plan for participation ~~in the Child Care and Development Block Grant~~
27 ~~Program~~ and in the Title IV-A federal program to assist families at risk of welfare
28 dependency. The Joint Committee on Health and Welfare shall serve as an advisory
29 committee to the secretary to begin developing the state plan.

* * *

§ 477. Office; purposes and functions

* * *

B.(1) The office of children and family services shall perform the services of the state relating to public assistance programs to provide aid to dependent children and to adults, who due to age, disability, or infirmity, are unable to adequately meet their basic needs. It shall also administer the food stamp program, child support programs, establishment of paternity programs, disaster relief grant programs for individuals and families, and such other programs as assigned by the secretary. It shall also conduct disability and other client eligibility determinations, and may conduct medical assistance client eligibility determinations. The office is authorized to enter into interagency agreements with other state agencies to conduct eligibility determinations. The office shall provide for the public child welfare functions of the state including but not limited to prevention services which promote, facilitate, and support activities to prevent child abuse and neglect; child protective services; voluntary family strengthening and support services; making permanent plans for foster children and meeting their daily maintenance needs of food, shelter, clothing, necessary physical medical services, school supplies, and incidental personal needs; and adoption placement services for foster children freed for adoption. It shall also perform the functions of the state relating to the licensing of ~~child care facilities that do not receive federal funds under Title XIX of the Social Security Act and day care centers and agencies~~ **facilities regulated under Chapter 14 of Title 46 of the Louisiana Revised Statutes of 1950.** The office shall issue and monitor domestic violence services contracts.

* * *

Section 4. R.S. 46:1401, 1402, 1402.1, 1403, 1404(A), 1405, 1406, 1407, 1414.1, 1415, 1417, 1418(A), 1419, 1420(A), 1421, 1422, 1423, 1427, 1428, and 1430 are hereby amended and reenacted to read as follows:

CHAPTER 14. ~~CHILD CARE FACILITIES AND~~

1 ~~CHILD-PLACING AGENCIES~~ **LICENSING SPECIALIZED PROVIDERS**

2 §1401. Short title

3 This Chapter may be cited as the "~~Child Care Facility and Child-Placing~~
4 ~~Agency~~ **Specialized Provider** Licensing Act."

5 §1402. Legislative intent; declaration of purpose and policy

6 It is the intent of the legislature to protect the health, safety, and well-being
7 of the children of the state who are in out-of-home care on a regular or consistent
8 basis. Toward that end, it is the purpose of this Chapter to establish statewide
9 minimum standards for the safety and well-being of children, to insure maintenance
10 of these standards, and to regulate conditions in these facilities through a program
11 of licensing. It shall be the policy of the state to insure protection of all individuals
12 under care in ~~child care facilities and placement agencies~~ **specialized providers** and
13 to encourage and assist in the improvement of programs. It is the further intent of the
14 legislature that the freedom of religion of all citizens shall be inviolate. This Chapter
15 shall not give the Department of Health and Hospitals or the Department of Children
16 and Family Services jurisdiction or authority to regulate, control, supervise, or in any
17 way be involved in the form, manner, or content of any curriculum or instruction of
18 a school or ~~facility~~ **specialized provider** sponsored by a church or religious
19 organization so long as the civil and human rights of the clients and residents are not
20 violated.

21 §1402.1. Licensing; prohibition of conflict of interest

22 All licenses issued to ~~child care facilities and child-placing facilities~~
23 **specialized providers** pursuant to this Chapter shall specify that the facility shall not
24 enter into any contract or engage in any activities in conflict with its duties to the
25 mothers, fathers, and children that it is licensed to serve.

26 §1403. Definitions

27 ~~A~~. As used in this Chapter, the following definitions shall apply unless the
28 context clearly states otherwise:29 (1) "~~Camp~~" means ~~any place or facility operated by any institution, society,~~

1 ~~agency, corporation, person or persons, or any other group which serves only~~
2 ~~children five years of age or older and operates only when school is not in session~~
3 ~~during the summer months or school holidays, or both.~~

4 (2) "Child" means a person who has not reached age eighteen or otherwise
5 been legally emancipated. The words "child" and "children" are used interchangeably
6 in this Chapter.

7 (3) ~~"Child day care center" means any place or facility operated by any~~
8 ~~institution, society, agency, corporation, person or persons, or any other group for~~
9 ~~the purpose of providing care, supervision, and guidance of seven or more children,~~
10 ~~not including those related to the caregiver, unaccompanied by parent or guardian,~~
11 ~~on a regular basis for at least twelve and one-half hours in a continuous seven-day~~
12 ~~week. If a child day care center provides transportation or arranges for transportation~~
13 ~~to and from the center, either directly or by contract with third parties, all hours~~
14 ~~during which a child is being transported shall be included in calculating the hours~~
15 ~~of operation. A child day care center that remains open for more than twelve and~~
16 ~~one-half hours in a continuous seven-day week, and in which no individual child~~
17 ~~remains for more than twenty-four hours in one continuous stay shall be known as~~
18 ~~a full-time child day care center. A child day care center that remains open after 9:00~~
19 ~~p.m. shall meet the appropriate regulations established for nighttime care.~~

20 (4) **(2)** "Child-placing agency" means any institution, society, agency,
21 corporation, facility, person or persons, or any other group engaged in placing
22 children in foster care or with substitute parents for temporary care or for adoption,
23 or engaged in assisting or facilitating the adoption of children, or engaged in placing
24 youth in transitional placing programs, but shall not mean a person who may
25 occasionally refer children for temporary care.

26 (5) **(3)** "Department" means the Department of Children and Family Services.

27 (6) ~~"Early childhood learning center" means any child day care center, Early~~
28 ~~Head Start grantee, Head Start grantee, or stand-alone prekindergarten or~~
29 ~~kindergarten program that is not attached to a school and that is licensed by the state.~~

1 ~~(7) "License category" means the category of license applied for or held,~~
2 ~~which shall include early childhood learning centers, maternity homes, residential~~
3 ~~homes, and child-placing agencies.~~

4 ~~(8)~~ **(4)** "License type" means the type of license applied for or held **by a**
5 ~~specialized provider,~~ which shall include Type I, ~~Type II, Type III,~~ and Type IV
6 licenses.

7 ~~(9)~~ **(5)** "Maternity home" means any place or facility in which any institution,
8 society, agency, corporation, person or persons, or any other group regularly receives
9 and provides necessary services for children before, during, and immediately
10 following birth. This definition shall not include any place or facility which receives
11 and provides services for women who receive maternity care in the home of a
12 relative within the sixth degree of kindred, computed according to civil law, or
13 general or special hospitals in which maternity treatment and care is part of the
14 medical services performed and the care of children only brief and incidental.

15 ~~(10)~~ **(6)** "Related" or "relative" means a natural or adopted child or
16 grandchild of the caregiver or a child in the legal custody of the caregiver.

17 ~~(11)~~ **(7)** "Residential home" means any place, facility, or home operated by
18 any institution, society, agency, corporation, person or persons, or any other group
19 to provide full-time care, twenty-four hours per day, for more than four children who
20 are not related to the operators and whose parents or guardians are not residents of
21 the same facility, with or without transfer of custody.

22 ~~(12) "School", as referred to in R.S. 46:1415, means any institution or facility~~
23 ~~which provides for education of children in grades one or above. Any kindergarten~~
24 ~~or prekindergarten attached thereto shall be considered part of that school.~~

25 ~~(13)~~ **(8)** "Specialized provider" means a child-placing agency, maternity
26 home, or residential home.

27 ~~(14)~~ **(9)** "Type I license" means a license held by a ~~child day care center or~~
28 residential home that is owned or operated by a church or religious organization that
29 does not wish to be licensed as a ~~Type II, Type III, or Type IV center.~~ Nothing herein

1 shall be construed to require a children's religious ministry program operated by a
 2 church or other religious organization in accordance with R.S. 46:1429 to be licensed
 3 pursuant to this Chapter. "Type I license" also means a license held by a ~~child day~~
 4 ~~care center~~ or residential home holding a Class B license prior to the effective date
 5 of this Section.

6 ~~(15) "Type II license" means the license held by a privately owned child day~~
 7 ~~care center that either receives no state or federal funds from any source, whether~~
 8 ~~directly or indirectly, or whose only source of state or federal funds is the federal~~
 9 ~~food and nutrition program.~~

10 ~~(16) "Type III license" means the license held by any publicly or privately~~
 11 ~~owned early childhood learning center which receives state or federal funds, directly~~
 12 ~~or indirectly, from any source other than the federal food and nutrition program.~~
 13 ~~Type III early childhood learning centers shall meet the performance and academic~~
 14 ~~standards of the Early Childhood Care and Education Network regarding~~
 15 ~~kindergarten readiness, as determined by the State Board of Elementary and~~
 16 ~~Secondary Education.~~

17 ~~(17)~~ **(10)** "Type IV license" means the license held by any publicly or
 18 privately owned specialized provider.

19 ~~(18)~~ **(11)** "Youth" means a person not less than sixteen years of age nor older
 20 than twenty-one years of age.

21 ~~B. For purposes of this Chapter "child care facility" shall include maternity~~
 22 ~~homes, early childhood learning centers, and residential homes as defined in this~~
 23 ~~Section.~~

24 * * *

25 §1404. Requirement of licensure

26 A. All ~~early childhood learning centers~~ and specialized providers, including
 27 facilities owned or operated by any governmental, profit, nonprofit, private, or
 28 church agency, shall be licensed. ~~Child care facility~~ **Specialized provider** licenses
 29 shall be of ~~four~~ **two** types: Type I, ~~Type II, Type III,~~ and Type IV.

* * *

1
2 §1405. Transitional provisions

3 A.~~(1)~~ Until such time as rules are promulgated by the department to
4 implement the types of licenses required by R.S. 46:1404, ~~child care facilities and~~
5 ~~child-placing agencies~~ **specialized providers** shall follow the rules, regulations, and
6 standards in effect for Class A and Class B licensure.

7 ~~(2) The department shall create an early childhood learning working group~~
8 ~~to include one representative from Louisiana's Early Childhood Advisory Council,~~
9 ~~the Child Care Association of Louisiana, the Nonpublic School Council, the~~
10 ~~Louisiana Head Start Association, the Department of Children and Family Services,~~
11 ~~the Department of Education, the Children's Cabinet, and the office of the governor.~~
12 ~~Such working group shall include participants having expertise in care of infants and~~
13 ~~toddlers, pediatric health, pediatric mental health, cognitive development, and social~~
14 ~~emotional development. The department shall seek input from the working group in~~
15 ~~the development of the rules and regulations establishing Type I, Type II, and Type~~
16 ~~III licenses and shall submit the proposed rules and regulations pursuant to this~~
17 ~~Section to the working group for approval. Such working group shall forward the~~
18 ~~proposed rules and regulations to the Children's Defense Fund, the Louisiana~~
19 ~~Association for the Education of Young Children, and Louisiana Partnership for~~
20 ~~Children and Families no later than November 1, 2013, for review and comment. The~~
21 ~~working group shall be dissolved on the effective date of any provision of law which~~
22 ~~transfers statutory authority for licensing of child day care centers from the~~
23 ~~Department of Children and Family Services to the Department of Education.~~

24 B. All existing ~~child day care centers~~ or residential homes possessing a Class
25 B license shall be issued a Type I license as provided by rule.

26 C.~~(1)~~ All child day care centers that meet the definition for a Type II license
27 pursuant to this Chapter shall be issued a Type II license as provided by rule.

28
29 ~~(2) Any child day care center possessing a Class A license on January 1, 2014~~

1 that meets the definition of a Type II license pursuant to this Chapter shall be issued
2 a Type II license as provided by rule.

3 ~~D. All existing early childhood learning centers that meet the definition for~~
4 ~~a Type III license pursuant to this Chapter shall be issued a Type III license as~~
5 ~~provided by rule.~~

6 E.~~(1)~~ C. All existing child placing agencies, maternity homes, and residential
7 homes that meet the definition for a Type IV license pursuant to this Chapter shall
8 be issued a Type IV license as provided by rule.

9 ~~(2) Any maternity home, residential home, or child-placing agency~~
10 ~~possessing a Class A license on January 1, 2014 that meets the definition of a Type~~
11 ~~IV license pursuant to this Chapter shall be issued a Type IV license.~~

12 ~~F. Any early childhood learning center that requests to change its license type~~
13 ~~for the following year shall apply to the department no later than December first of~~
14 ~~the preceding year. This Subsection shall not apply to early childhood learning~~
15 ~~centers changing location or ownership that are required to apply for a new license~~
16 ~~pursuant to R.S. 46:1406(C).~~

17 §1406. Licenses; application; temporary or provisional; fees

18 A. Application for licensure of a new ~~child care facility~~ or specialized
19 provider shall be made by the ~~child care facility~~ or specialized provider to the
20 department upon forms furnished by the department. Upon receipt of the application
21 for a license and verification that minimum requirements for such license as
22 established by rule are satisfied, and that the ~~facility or agency~~ **specialized provider**
23 is in compliance with all other state and local laws and regulations, the department
24 shall issue a Type I, ~~Type II, Type III,~~ or Type IV license for the appropriate license
25 ~~category~~ for such period as may be provided for by rule.

26 B. The department may provide through the promulgation of rules for the
27 issuance of temporary, provisional, or extended licenses for each license ~~category~~
28 ~~and~~ type if a disapproval has not been received from any other state or local agency
29 authorized by any other laws or rules to inspect such ~~facilities or agencies~~

1 **specialized providers.**

2 C. A license of any type ~~or category~~ shall apply only to the location stated on
3 the application, and such license, once issued, shall not be transferable from one
4 person to another or from one location to another. If the location or ownership of the
5 facility **specialized provider** is changed, then the license shall be automatically
6 revoked. A new application form shall be completed prior to all license renewals.

7 D. Each licensed facility **specialized provider** shall display its license in a
8 prominent place at the facility, except that a facility **specialized provider** operated
9 by a church or religious organization may be exempt from such requirement,
10 provided the license is available upon request.

11 E. There shall be an annual license fee for each ~~type of early childhood~~
12 ~~learning center~~ and specialized provider in an amount equal to the annual license fee
13 in effect for all Class A and Class B ~~child care facilities and child-placing agencies~~
14 **specialized providers** possessing such license on January 1, 2014, without an
15 increase in the amount of such fees.

16 F. ~~There shall be an annual license fee of twenty-five dollars for any license~~
17 ~~issued to an early childhood learning center providing care for fifteen or fewer~~
18 ~~children; one hundred dollars for any license issued to an early childhood learning~~
19 ~~center providing care for at least sixteen but no more than fifty children; one hundred~~
20 ~~seventy-five dollars for any license issued to an early childhood learning center~~
21 ~~providing care for at least fifty-one but no more than one hundred children; and two~~
22 ~~hundred fifty dollars for any license issued to an early childhood learning center~~
23 ~~providing care for more than one hundred children.~~

24 G. ~~There shall be an annual license fee of one hundred dollars for any license~~
25 ~~issued to a residential home providing care for six or less children; two hundred~~
26 ~~dollars for any license issued to a residential facility providing care for at least seven~~
27 ~~but no more than fifteen children; and three hundred dollars for any license issued~~
28 ~~to a residential facility providing care for sixteen or more children.~~

29 H: **F.** There shall be an annual license fee of fifty dollars for any license

1 issued to a child-placing agency or maternity home.

2 F. G. The fees provided for in this Section shall not apply to any Type I ~~child~~
3 ~~day care center~~ **specialized provider** owned or operated by a church or religious
4 organization.

5 J. H. Annual fees for any type ~~or category~~ of license shall not be increased
6 unless expressly authorized by statute as provided in Article VII, § Section 2.1 of the
7 Constitution of Louisiana.

8 §1407. Rules, regulations, and standards for licenses

9 A. The department shall promulgate regulations for each ~~category and type~~
10 of license to carry out the provisions of this Chapter in accordance with the
11 provisions of the Administrative Procedure Act. ~~The department shall seek input and~~
12 ~~guidance from the Louisiana Advisory Council on Child Care and Early Education~~
13 ~~concerning the proposed rules and regulations for approval of Type I, Type II, and~~
14 ~~Type III facilities for licensure in accordance with the Administrative Procedure Act.~~

15 B.(1) The regulations developed by the department, at a minimum, shall
16 accomplish all of the following:

17 (a) Promote the health, safety, and welfare of children attending any ~~facility~~
18 **specialized provider**.

19 (b) Promote safe, comfortable, and proper physical facilities **of specialized**
20 **providers**.

21 (c) Ensure adequate supervision of those attending ~~facilities~~ **specialized**
22 **providers** by capable, qualified, and healthy personnel.

23 (d) Ensure adequate and healthy food service in ~~facilities~~ **specialized**
24 **providers** where food is offered.

25 (e) Prohibit discrimination by ~~early childhood learning centers and~~
26 specialized providers on the basis of race, color, creed, sex, national origin, handicap,
27 ancestry, or whether the child is being breastfed. However, nothing in this
28 Subparagraph shall be construed to affect, limit, or otherwise restrict any of the
29 following:

1 (i) The hiring or admission policies of a licensed ~~child day care center~~
2 **specialized provider** owned by a church or religious organization, which may give
3 preference in hiring or admission to members of the church or denomination.

4 (ii) The rights of religious sectarian child-placing agencies to consider creed
5 in any decision or action relating to foster care or adoption.

6 (f) Require **residential home and maternity home** providers to have a
7 written description of admission policies and criteria which expresses the needs,
8 problems, situations, or patterns best addressed by its program. These policies shall
9 be available to the person legally responsible for any child referred for placement.

10 (g) Include procedures by which parents and guardians are given an
11 opportunity for consultation and information about the educational and therapeutic
12 programs for the child in attendance.

13 (h) Include regulations and standards for nighttime care.

14 (i) Include procedures for the receipt, recordation, and disposition of
15 complaints.

16 (j) Include procedures for the return of a child to his parent. Arrangements
17 for the child's return to his parent shall not include third parties or other child care
18 agencies unless written agreement between the child care agency and the parent is
19 on file with the child care agency.

20 ~~(k) Include procedures that allow an early childhood learning center to~~
21 ~~remedy certain deficiencies immediately upon identification by the department in an~~
22 ~~onsite inspection, provided that any deficiency that may be remedied in such manner~~
23 ~~does not constitute a critical violation of licensing standards as determined by the~~
24 ~~department.~~

25 (2)(a) Any entity **specialized provider** approved by the department shall be
26 required to have all of the following:

27 (†)(a) Approval from the Department of Public Safety and Corrections, office
28 of the state fire marshal, code enforcement and building safety.

29

1 (ii) **(b)** Approval from the Department of Health and Hospitals, office of
2 public health.

3 ~~(b) Type III early childhood learning centers shall adhere to the performance~~
4 ~~and academic standards of the Early Childhood Care and Education Network~~
5 ~~regarding kindergarten readiness as determined by the State Board of Elementary~~
6 ~~and Secondary Education. The Department of Education shall base its approval upon~~
7 ~~the uniform accountability system.~~

8 (3) No facility **residential home provider** holding a Type I license shall
9 receive any state or federal funds, from any source, whether directly or indirectly.
10 If a facility **residential home provider** holding a Type I license receives any state
11 or federal funds, its license shall be automatically revoked.

12 ~~(4) No facility holding a Type II license shall receive any state or federal~~
13 ~~funds, from any source, whether directly or indirectly, other than those received~~
14 ~~solely for food and nutrition. If a facility holding a Type II license receives any state~~
15 ~~or federal funds, whether directly or indirectly, other than those received solely for~~
16 ~~food and nutrition, its license shall be automatically revoked.~~

17 C. The department shall prepare standard forms for applications and for
18 inspection reports.

19 D. A comprehensive review of all standards, rules, and regulations for all
20 licenses shall be made at least every three years by the department.

21 E. The secretary of the department, in specific instances, may waive
22 compliance with a minimum standard upon determination that the economic impact
23 is sufficiently great to make compliance impractical, as long as the health and well-
24 being of the staff or children is not imperiled. If it is determined that the facility
25 **specialized provider** or agency is meeting or exceeding the intent of a standard or
26 regulation, the standard or regulation may be deemed to be met.

27 F. Discrimination by ~~child care facilities~~ **specialized providers** and child-
28 placing agencies on the basis of race, color, creed, sex, national origin, disability as
29 defined by R.S. 51:2232(11), ancestry, or whether the child is being breastfed is

1 prohibited. However, this shall not restrict the hiring or admission policies of a
2 church or religious organization, which may give preference in hiring or admission
3 to members of the church or denomination.

4 G. The department shall not regulate or attempt to regulate or control the
5 religious or spiritual content of the curriculum of a ~~school or facility~~ **specialized**
6 **provider** sponsored by a church or religious organization.

7 H. Nothing in the rules, regulations, and standards adopted pursuant to this
8 Section shall authorize or require medical examination, immunization, or treatment
9 of any child whose parents object to such examination, immunization, or treatment
10 on religious grounds.

11 I. Each **residential home and maternity home** facility shall have a written
12 discipline policy, which shall be made available to parents and to authorized
13 inspection personnel upon request.

14 * * *

15 §1414.1. Disclosure requirements; penalties

16 A. Any owner, operator, current or prospective employee, or volunteer of a
17 ~~child care facility~~ **specialized provider** licensed by the Department of Children and
18 Family Services shall report annually and at any time upon the request of the
19 department on the state central registry disclosure form promulgated by the
20 department whether or not his name is currently recorded on the state central registry
21 for a justified finding of abuse or neglect and he is the named perpetrator.

22 B. Any such current or prospective employee or volunteer of a ~~child care~~
23 ~~facility~~ **specialized provider** licensed by the department shall submit the state
24 central registry disclosure form to the owner or operator of the ~~facility~~ **specialized**
25 **provider**, who shall maintain the documents in accordance with current department
26 licensing requirements. Any state central registry disclosure form that is maintained
27 ~~in a child care facility~~ **by a special provider** licensing file shall be confidential and
28 subject to the confidentiality provisions of R.S. 46:56(F) pertaining to the
29 investigations of abuse and neglect.

1 C. Any owner, operator, current or prospective employee, or volunteer of a
 2 ~~child care facility~~ **specialized provider** licensed by the department who knowingly
 3 falsifies the information on the state central registry disclosure form shall be guilty
 4 of a misdemeanor offense and shall be fined not more than five hundred dollars, or
 5 imprisoned for not more than six months, or both.

6 D. Any owner, operator, current or prospective employee, or volunteer of a
 7 ~~child care facility~~ **specialized provider** licensed by the department who discloses
 8 that he is currently recorded on the state central registry for a justified finding of
 9 abuse or neglect shall be entitled to a risk assessment evaluation provided by the
 10 department to determine that the individual does not pose a risk to children. Any
 11 such individual who is determined to pose a risk to children shall have the right to
 12 file an appeal in accordance with R.S. 49:992 of the Administrative Procedure Act.
 13 Any such determination by the risk evaluation panel shall be kept on file at all times
 14 by the department.

15 E. The department shall promulgate rules and regulations to implement this
 16 Section. The rules and regulations shall include but not be limited to establishing
 17 criteria for risk evaluation requests, the composition of the risk evaluation panel, and
 18 establishing criteria for risk evaluation determinations.

19 §1415. Facilities and agencies subject to regulation; exemptions

20 A. All ~~early childhood learning centers and~~ specialized providers shall be
 21 subject to the provisions of this Chapter. However, ~~private or public day schools~~
 22 ~~servicing children in grades one and above, including any kindergartens or~~
 23 ~~prekindergarten programs attached thereto, as well as camps, and all care given~~
 24 without charge, shall be exempt from such provisions.

25 B. Nothing in this Chapter shall apply to facilities licensed by the Department
 26 of Health and Hospitals **or the Department of Education.**

27 * * *

28 §1417. Inspections

29 It shall be the duty of the department, through its duly authorized agents, to

1 inspect at regular intervals not to exceed one year, or as deemed necessary by the
 2 department, and without previous notice all ~~child care facilities and child-placing~~
 3 ~~agencies~~ **specialized providers** subject to the provisions of this Chapter. The
 4 department shall also develop and facilitate coordination with and among other
 5 authorized agencies making inspections at regular intervals. ~~The facility~~ **A**
 6 **specialized provider** shall be open to inspection only during working hours by
 7 parents or legal guardians of children in care and by authorized inspection personnel.

8 §1418. Complaints

9 A. It shall be the duty of the department, through its duly authorized agents,
 10 to investigate all complaints (except complaints concerning the prevention or spread
 11 of communicable diseases), including complaints alleging child abuse, against any
 12 ~~child care facility or child-placing agency~~ **specialized provider** as defined in this
 13 Chapter. The department may take such action as is authorized by this Chapter. Any
 14 complaint received concerning the prevention or spread of communicable diseases
 15 shall be immediately referred to the state health officer through the nearest parish
 16 health unit for investigation and disposition.

17 * * *

18 §1419. Revocation or refusal to renew license; written notice

19 The department shall have the power to deny, revoke, or refuse to renew a
 20 license for a ~~child care facility~~ or specialized provider if an applicant has failed to
 21 comply with the provisions of this Chapter or any applicable, published rule or
 22 regulation of the department relating to ~~child care facilities~~ and specialized
 23 providers. If a license is denied, revoked, or withdrawn, the action shall be effective
 24 when made and the department shall notify the applicant, licensee, or specialized
 25 provider of such action in writing immediately and of the reason for the denial,
 26 revocation, or withdrawal of the license.

27 §1420. Refusal or revocation of license; appeal procedure

28 A. Upon the refusal of the department to grant a license or upon the
 29 revocation of a license, the agency, institution, society, corporation, person or

1 persons, or other group having been refused a license or having had a license
 2 revoked shall have the right to appeal such action by submitting a written request to
 3 the secretary of the department within thirty days after receipt of the notification in
 4 the case of the refusal of the license or, in the case of revocation, within fifteen
 5 calendar days after receipt of the notification of the revocation. The appeal hearings
 6 shall be held no later than thirty days after the request therefor, except as provided
 7 in the Administrative Procedure Act, and shall be conducted in accordance with
 8 applicable regulations of the department and the provisions of R.S. 46:107. This
 9 provision shall in no way preclude the right of the party to seek relief through
 10 mandamus suit against the department, as provided by law.

11 * * *

12 §1421. Operating without or in violation of license; penalty

13 Whoever operates ~~any child care facility or~~ as a specialized provider, as
 14 defined in R.S. 46:1403, without a valid license issued by the department shall be
 15 fined not less than one thousand dollars per day for each day of such offense.

16 §1422. Operating without or in violation of license; injunctive relief

17 If any ~~child care facility or~~ specialized provider operates without a valid
 18 license issued by the department, the department may file suit in the district court in
 19 the parish in which the ~~facility~~ specialized provider is located for injunctive relief,
 20 including a temporary restraining order, to restrain the institution, society, agency,
 21 corporation, person or persons, or any other group operating the ~~facility~~ specialized
 22 provider or agency from continuing the violation. The state health officer shall have
 23 exclusive authority over all matters involving the prevention or spread of
 24 communicable diseases within a ~~child care facility or~~ specialized provider.

25 §1423. Removal of individuals from facility

26 The department shall remove any child or all children from any ~~facility or~~
 27 ~~agency~~ specialized provider when it is determined that one or more violations exist
 28 within the ~~facility~~ specialized provider or agency which places the health and well-
 29 being of the child or children in imminent danger; provided, however, that a

1 contradictory hearing shall be held within seven days thereafter by the district court
2 of the district to determine whether the action was justified and whether and how
3 long it shall continue.

4 * * *

5 §1427. Parent-child relationship

6 The Department of Children and Family Services shall not interfere with the
7 parent-child relationship regarding the religious training of a child, where all of the
8 following conditions are met:

9 (1) The parent or legal guardian has enrolled their child in a ~~child care facility~~
10 **specialized provider**, including but not limited to a child residential facility,
11 operated by a religious, nonprofit organization which is exempt from federal income
12 taxes pursuant to 26 U.S.C. 501(c)(3).

13 (2) Where, as a condition of enrollment, the child is required to attend
14 religious services or classes and the parent or guardian of the child agrees to such
15 condition.

16 §1428. Immunization information; influenza

17 A. Each licensed ~~child care facility~~ **specialized provider of child placing**
18 **agency**, before November first of each year, shall make available to each child's
19 parent or legal guardian information relative to the risks associated with influenza
20 and the availability, effectiveness, known contraindications, and possible side effects
21 of the influenza immunization. Such information shall include the causes and
22 symptoms of influenza, the means by which influenza is spread, and the places
23 where a parent or legal guardian may obtain additional information and where a child
24 may be immunized against influenza. Such information shall be updated annually if
25 new information on such disease is available.

26 B.(1) The Department of Health and Hospitals shall develop and provide
27 information on influenza immunization to the Department of Children and Family
28 Services. The Department of Children and Family Services shall provide such
29 information to each licensed ~~child care facility~~ **specialized provider or child**

1 **placing agency**, which shall make the information available to each child's parent
2 or legal guardian pursuant to Subsection A of this Section.

3 (2) The Department of Health and Hospitals and the Department of Children
4 and Family Services shall determine respectively the most cost-effective and
5 efficient means of distributing such information.

6 C. The Department of Children and Family Services, in consultation with the
7 Department of Health and Hospitals, shall establish by rules and regulations all
8 guidelines and procedures for carrying out the provisions of this Section in
9 accordance with the Administrative Procedure Act.

10 D. Nothing in this Section shall be construed to require any ~~licensed child~~
11 ~~care facility~~ **specialized provider or child placing agency**, the Department of
12 Children and Family Services, or the Department of Health and Hospitals to provide
13 or pay for immunizations against influenza.

14 * * *

15 §1430. Operating in violation of regulations; penalties and fines

16 A.(1) For violations related to supervision, criminal history record checks,
17 the state central registry disclosure process, staff-to-child ratios, motor vehicle
18 checks, or failure to report critical incidents, the Department of Children and Family
19 Services may issue a written warning that includes a corrective action plan, in lieu
20 of revocation, upon any person or ~~entity~~ **specialized provider** violating these
21 requirements if such condition or occurrence does not pose an imminent threat to the
22 health, safety, rights, or welfare of a child. Failure to implement a corrective action
23 plan issued pursuant to this Section may result in either the assessment of a civil fine
24 or license revocation or may result in both actions being taken by the department.
25 Such civil fine shall not exceed two hundred fifty dollars per day for each
26 assessment; however, the aggregate fines assessed for violations determined in any
27 consecutive twelve-month period shall not exceed two thousand dollars.

28 (2) The department shall adopt rules in accordance with the Administrative
29 Procedure Act which articulate factors in determining the type of sanction imposed

1 including the severity of risk, the actual harm and mitigating circumstances, the
2 failure to implement a written corrective action plan, the history of noncompliance,
3 an explanation of the treatment of continuing and repeat deficiencies, evidence of a
4 good faith effort to comply, and any other relevant factors. ~~The department shall~~
5 ~~develop and adopt rules and regulations required by this Paragraph with input and~~
6 ~~guidance from the Louisiana Advisory Council on Child Care and Early Education.~~
7 The authority to impose sanctions pursuant to this Section shall commence on the
8 effective date of the rules promulgated pursuant to this Section.

9 B. The department shall adopt rules and regulations in accordance with the
10 Administrative Procedure Act to provide for notice to the ~~child care facility~~
11 **specialized provider** or child-placing agency of any violation, for a departmental
12 reconsideration process for sanctions issued, and for an appeal procedure including
13 judicial review. Such appeal shall be suspensive. All appeals pursuant to this
14 Subsection shall be heard by the division of administrative law pursuant to Chapter
15 13-B of Title 49 of the Louisiana Revised Statutes of 1950. The division shall furnish
16 to the facility or agency a copy of the decision, together with notice of the manner
17 for requesting judicial review. During the pendency of an appeal, a ~~child care facility~~
18 **specialized provider** or child-placing agency may continue to receive funding for
19 services provided to those eligible children as determined by the department.

20 C. The department may institute any necessary civil court action to collect
21 fines imposed and not timely appealed. No ~~child care facility~~ **specialized provider**
22 or child-placing agency shall claim imposed fines as reimbursable. Interest shall
23 begin to accrue at the current judicial rate on the day following the date on which any
24 fines become due and payable. All costs of any successful action to collect such
25 fines, including travel expenses and reasonable attorney fees, shall be awarded to the
26 department in addition to the fines.

27 D.(1) Civil fines collected pursuant to the provisions of this Section shall be
28 deposited immediately into the state treasury.

29 (2) After compliance with the requirements of Article VII, Section 9(B) of

1 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
 2 and prior to the monies being placed in the state general fund, an amount equal to the
 3 amount deposited as provided in Paragraph (1) of this Subsection shall be credited
 4 to a special fund hereby created in the state treasury to be known as the "~~Child Care~~
 5 **Specialized Provider** Licensing Trust Fund", hereinafter referred to as "the fund".

6 The monies in the fund shall be subject to annual appropriation and shall be available
 7 exclusively for use by the Department of Children and Family Services for the
 8 education and training of employees, staff, or other personnel of ~~child care facilities~~
 9 **specialized provider** and child-placing agencies.

10 (3) The monies in the fund shall be invested by the treasurer in the same
 11 manner as the monies in the state general fund, and all interest earned from the
 12 investment of monies in the fund shall be deposited in and remain to the credit of the
 13 fund. All unexpended and unencumbered monies remaining in the fund at the end of
 14 the fiscal year shall remain in the fund.

15 Section 5. R.S. 46:1414, 1426 and 1429 are hereby repealed.

16 Section 6. This Act shall become effective on July 1, 2014.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alan Miller.

DIGEST

Walsworth (SB 524)

Proposed law (R.S.17:407.26) authorizes the state Department of Education (DOE) to accept and direct the disbursement of funds appropriated by any act of Congress and apportioned to the state for use in connection with any Child Care and Development Fund programs. Requires DOE to deposit all such funds received from the federal government with the state treasurer who shall make disbursements upon the direction of DOE.

Proposed law requires BESE to promulgate rules and regulations to implement the Child Care and Development Fund State Plan, and requires DOE to develop and implement the state plan in accordance with such rules and regulations.

Proposed law requires all early learning centers to be licensed as a Type I, II or III by DOE.

Proposed law (R.S. 17:407.35) exempts public and non-public day schools serving children in grades one and above, including any kindergartens or prekindergarten programs attached thereto, as well as camps, and care given without charge, from the provisions of proposed law . Further exempts recognized religious organizations that are qualified as a tax-exempt organization under Section 501(c) of the IRS Code, if it remains open for not more than 24 hours in a continuous seven-day week, and in which no individual child remains for more than 24 hours in one continuous stay. Also, proposed law shall not apply to children in

programs licensed or operated by the Department of Health and Hospitals(DHH) or the Department of Children and Family Services (DCFS).

Proposed law (R.S. 17:407.36) provides for certain types of licences, including:

- (1) A "Type I license" is the type of license issued to an early learning center that is owned or operated by a church or religious organization and that receives no state or federal funds from any source, whether directly or indirectly.
 - (a) No early learning center holding a Type I license shall receive any state or federal funds, from any source, whether directly or indirectly.
 - (b) If an early learning center holding a Type I license receives any state or federal funds, its license shall be automatically revoked.
- (2) A "Type II license" is the type of license issued to an early learning center that either receives no state or federal funds from any source, whether directly or indirectly, or whose only source of state or federal funds is from the United States Department of Agriculture's food and nutrition programs, hereinafter referred to in this Part as "federal food and nutrition programs".
 - (a) No early learning center holding a Type II license shall receive any state or federal funds, from any source, whether directly or indirectly, other than those funds received solely for federal food and nutrition programs.
 - (b) If an early learning center holding a Type II license receives any state or federal funds, whether directly or indirectly, other than those received solely for federal food and nutrition programs, its license shall be automatically revoked.
- (3) A "Type III license" is the type of license issued to any early learning center which receives state or federal funds, directly or indirectly, from any source other than the federal food and nutrition programs. Type III early learning centers shall meet the performance and academic standards of the Early Childhood Care and Education Network regarding kindergarten readiness as determined by the State Board of Elementary and Secondary Education.

Proposed law (R.S. 17:407.37) provides for penalties for whoever operates any early learning center without a valid license issued by DOE in the amount of not less than \$1,000 for each day of such offense. Further, if any early learning center operates without a valid license issued by DOE, DOE is authorized to file suit in the district court in the parish in which the center is located for injunctive relief, including a temporary restraining order, to restrain the institution, agency, corporation, person or persons, or any other group operating the center from continuing the violation.

Proposed law (R.S. 17:407.38) provides that until such time as rules are promulgated by BESE to implement the types of licenses required by proposed law, early learning centers shall follow the rules, regulations, and standards in effect for Class A and Class B licensure of child care facilities found in La. Admin. Code, Title 67, Part III, Subpart 21, Child Care Licensing. Further provides that upon promulgation by BESE of rules to implement the three types of licenses:

- (1) All existing early learning centers possessing a Class B license shall be issued a Type I license as provided by rule, unless the center meets the definition of a Type II license, in which case it shall be issued a Type II license as provided by rule.
- (2) All existing early learning centers possessing a Class A license that meet the definition of a Type II license shall be issued a Type II license as provided by rule.

- (3) All existing early learning centers possessing a Class A license that meets the definition of a Type III license shall be issued a Type III license as provided by rule.

Proposed law requires that any early learning center that intends to change its license type at any time during the following calendar year to apply for a new license no later than December first of the preceding year. Such requirements shall not apply to early learning centers changing location or ownership that are required to apply for a new license.

Proposed law (R.S. 17:407.39) requires that an application for licensure of a new early learning center be made by the center to the DOE using forms furnished by DOE. Upon receipt of an application for a license and verification that minimum requirements for such license as established by rule are satisfied, and upon verifying that the center is in compliance with all applicable state and local laws and regulations, DOE shall issue a Type I, Type II, or Type III license for such period as may be provided for by rule. Further authorizes BESE to provide by rule for the issuance of temporary, provisional, or extended licenses for each license type if a disapproval has not been received from any state or local agency authorized by any laws or rules to inspect or approve such centers.

Proposed law requires that a license of any type shall apply only to the location stated on the application, and such license shall not be transferable. If the location or ownership of the center is changed, then the license shall be automatically revoked. Further requires that the license be displayed in a prominent place at the center.

Proposed law sets an annual license fee for each type of early learning center in an amount equal to the annual license fee in effect for all Class A and Class B child care facilities possessing such license upon the effective date of proposed law, without an increase in the amount of such fees.

Proposed law provides for an annual license fee of:

- (1) \$25 for any license issued to an early learning center providing care for 15 or fewer children;
- (2) \$100 for any license issued to an early learning center providing care for at least 16 but no more than 50 children;
- (3) \$175 for any license issued to an early learning center providing care for at least 51 but no more than 100 children; and
- (4) \$250 for any license issued to an early learning center providing care for more than 100 children.

Further provides that the annual licensure fees provided in this proposed law shall not apply to Type I early learning centers. Further provides that the annual fees for any type or category of license shall not be increased unless expressly authorized by statute.

Proposed law (R.S. 17:407.40) requires BESE to promulgate regulations for each type of license which, at a minimum, shall accomplish all of the following:

- (1) Promote the health, safety, and welfare of children attending any early learning center.
- (2) Promote safe and proper physical facilities at all early learning centers.
- (3) Promote adequate supervision of those attending early learning centers.
- (4) Promote adequate and healthy food service in early learning centers where food is offered.

- (5) Prohibit discrimination on the basis of race, color, creed, sex, national origin, handicap, ancestry, or whether the child is being breastfed, provided that this shall not be construed to affect, limit, or otherwise restrict the hiring or admission policies of an early learning center owned by a church or religious organization, or prohibit such a center from giving preference in hiring or admission to members of the church or denomination.
- (6) Include procedures for the receipt, recordation, and disposition of complaints.

Proposed law requires that every early learning center approved for licensure by DOE be required to have approval from the Office of State Fire Marshal (OSFM) and DHH.

Proposed law requires that each Type III early learning center obtain approval from DOE of adherence to the performance and academic standards of the Early Childhood Care and Education Network regarding kindergarten readiness as determined by BESE. DOE shall base its approval upon the uniform accountability system as promulgated by BESE. Further requires that BESE conduct a comprehensive review of all standards, rules, and regulations for all licenses every three years. Provides that BESE, upon request by DOE, may waive compliance with a licensing minimum standard upon determination that the economic impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff or children is not imperiled. If it is determined that the early learning center is meeting or exceeding the intent of a standard or regulation, the standard or regulation may be deemed to be met.

Proposed law (R.S. 17:407.41) prohibits any individual whose name is recorded on the state central registry within DCFS, as a perpetrator for a justified finding of abuse or neglect of a child from owning or operating a licensed early learning center or be hired by a licensed early learning center as an employee or volunteer of any kind, including any therapeutic professionals, extracurricular personnel, and other independent contractors, unless there is a finding by DCFS that the individual does not pose a risk to children.

Proposed law further requires that the owner, operator, current or prospective employee, or volunteer of a licensed early learning center report annually, and at any time upon the request of DOE, on the state central registry disclosure form promulgated by DCFS, whether or not his name is currently recorded on the state central registry for a justified finding of abuse or neglect and he is the named perpetrator. Further requires any such current or prospective employee or volunteer of a licensed early learning center to submit the state central registry disclosure form to the owner or operator of the facility, who maintains the documents in accordance with current licensing requirements. Any state central registry disclosure form that is maintained in an early learning center licensing file shall be confidential and subject to the confidentiality provisions of present law pertaining to the investigations of abuse and neglect.

Proposed law further requires any owner, operator, current or prospective employee, or volunteer of a licensed early learning center who knowingly falsifies the information on the state central registry disclosure form shall be guilty of a misdemeanor offense and be fined not more than \$500, or imprisoned for not more than six months, or both. Further, if any owner, operator, current or prospective employee, or volunteer of a licensed early learning center who discloses that he is currently recorded on the state central registry for a justified finding of abuse or neglect shall be entitled to a risk assessment evaluation provided by DCFS to determine whether the individual poses a risk to children. Any such individual who is determined to pose a risk to children shall have the right to file an appeal in accordance with the APA. Any such determination shall be kept on file at all times by DCFS.

Proposed law (R.S. 17:407.42) prohibits any person who has been convicted of or has pled nolo contendere to certain crimes including sex crimes and crimes against children from directly or indirectly owning, operating, or participating in the governance of an early learning center, or being hired by any early learning center as a volunteer or employee of any

kind, including any therapeutic professionals, extracurricular personnel, and other independent contractors, or being hired by DOE in a position whose duties include the performance of licensing inspections in early learning centers.

Proposed law requires BESE to establish by regulation, requirements and procedures consistent with the provisions of present law under which:

- (1) The owner or operator of an early learning center may request information concerning whether or not any owner or volunteer, applicant, or employee of any kind including contractors, of an early learning center has been arrested for or convicted of or pled nolo contendere to any criminal offense.
- (2) DOE may request information concerning whether or not an applicant or employee of the department in a position whose duties include the performance of licensing inspections has been arrested for or convicted of or pled nolo contendere to any criminal offense.

Proposed law further requires that the regulation include the requirement and the procedure for the submission of a person's fingerprints in a form acceptable to the Louisiana Bureau of Criminal Identification and Information (LBCII) prior to employment. A person who has submitted his fingerprints to LBCII may be temporarily hired pending the report from LBCII as to any convictions of or pleas of nolo contendere by the person to certain crimes including sex crimes and crimes against children.

Proposed law (R.S. 17:407.43) requires DOE, through its duly authorized agents, to inspect at regular intervals not to exceed one year, and as deemed necessary by DOE, and without previous notice, all early learning centers subject to the provisions of proposed law. Further requires DOE to develop and facilitate coordination with and among other authorized agencies making inspections at regular intervals. Requires the early learning centers to be open to inspection by authorized inspection personnel and by parents or legal custodians of children in care only during working hours.

Proposed law (R.S. 17:407.44) authorizes DOE to deny, revoke, or refuse to renew a license for an early learning center if an applicant has failed to comply with the provisions of proposed law or any applicable published rule or regulation of BESE relating to early learning centers. If a license is denied or revoked, or renewal is refused, the action shall be effective when made, and DOE shall notify the applicant or licensee of such action in writing immediately, and of the reason for the denial or revocation, or refusal to renew the license.

Proposed law (R.S. 17:407.45) provides for the right to appeal such action to the division of administrative law. However, this provision shall in no way preclude the right of the party to seek relief through mandamus suit against the department, as provided by law.

Proposed law further provides that DOE shall be entitled to seek judicial review from any final decision or order rendered by the division of administrative law in any appeal hearing arising under proposed law. The venue of judicial review shall be the district court of the parish in which the licensee is located.

Proposed law (R.S. 17:407.46) provides that for violations related to supervision, criminal history record checks, the state central registry disclosure form, staff-to-child ratios, motor vehicle checks, or failure to report critical incidents, DOE may issue a written warning that includes a corrective action plan, in lieu of revocation, upon any person or entity violating these requirements if such condition or occurrence does not pose an imminent threat to the health, safety, rights, or welfare of a child. Failure to implement a corrective action plan issued pursuant to proposed law may result in either the assessment of a civil fine or license revocation, or both. Such civil fine shall not exceed \$250 per day for each assessment; however, the aggregate fines assessed for violations determined in any consecutive 12 month period shall not exceed \$2,000.

Proposed law requires BESE to adopt rules in accordance with the APA, which articulate factors in determining the type of sanction imposed including the severity of risk, the actual harm and mitigating circumstances, the failure to implement a written corrective action plan, the history of noncompliance, an explanation of the treatment of continuing and repeat deficiencies, evidence of a good faith effort to comply, and any other relevant factors.

Further, BESE is required to adopt rules and regulations in accordance with the APA to provide for notice to the early learning center of any violation, for a departmental reconsideration process for sanctions issued, and for an appeal procedure including judicial review. Such appeal shall be suspensive. Requires all appeals to be heard by the division of administrative law. During the pendency of an appeal, an early learning center may continue to receive funding for services provided to those eligible children as determined by DOE.

Proposed law authorizes DOE to institute any necessary civil court action to collect fines imposed and not timely appealed. All costs of any successful action to collect such fines shall be awarded to DOE in addition to the fines.

Civil fines collected pursuant to proposed law are required to be deposited immediately into the treasury. After compliance with constitutional requirements relative to the Bond Security and Redemption Fund, and prior to the monies being placed in the state general fund, an amount equal to the amount deposited as provided by proposed law shall be credited to a special fund hereby created in the state treasury to be known as the "Early Learning Center Licensing Trust Fund". The monies in the fund shall be subject to annual appropriation and shall be available exclusively for use by the department for the education and training of employees, staff, or other personnel of child care facilities and child-placing agencies.

Proposed law (R.S. 17:407.47) requires DOE to report all complaints, including but not limited complaints alleging child abuse or the prevention or spread of communicable diseases against any early learning center to the appropriate agencies for investigation and disposition.

Proposed law (R.S. 17:407.48) requires DOE make available, upon written request of a parent or legal custodian of any child who has applied for placement in an early learning center licensed by the department, the following information relative to such early learning center:

- (1) Any violations of standards, rules, or regulations in the prior twelve months.
- (2) Any waivers of minimum standards authorized for such early learning center.

Proposed law (R.S. 17:407.49) prohibits BESE and DOE from interfering with the parent-child relationship regarding the religious training of a child, where all of the following conditions are met:

- (1) The parent or legal custodian has enrolled their child in a child care facility, including but not limited to a child residential facility, operated by a religious, nonprofit organization that is exempt from federal income taxes pursuant to 26 U.S.C. 501(c)(3).
- (2) Where, as a condition of enrollment, the child is required to attend religious services or classes and the parent or legal custodian of the child agrees to such condition.

Proposed law (R.S. 17:407.50) requires each licensed early learning center, before November first of each year, to make available to each child's parent or legal custodian information relative to the risks associated with influenza and the availability, effectiveness, known contraindications and possible side effects of the influenza immunization. Proposed law shall not be construed to require any licensed early learning center, DOE, or the DHH

to provide or pay for immunizations against influenza.

Proposed law requires BESE to promulgate rules and regulations in accordance with the provisions of the Administrative Procedure Act to carry out the provisions of proposed law.

Present law (R.S. 15:587(A)(1)(a)) provides that any employer or others responsible for the actions of one or more persons who have been given or have applied to be considered for a position of supervisory or disciplinary authority over children, DCFS, as employer of one or more persons who have been given or have applied to be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, shall request in writing that the bureau supply information to ascertain whether that person or persons have been arrested for or convicted of, or pled nolo contendere to, any criminal offense. The request must be on a form prepared by the bureau and signed by a responsible officer or official of the organization or department making the request. It must include a statement signed by the person about whom the request is made which gives his permission for such information to be released.

Present law (R.S. 15:587(A)(1)(a)) is applicable to proposed law (R.S. 17:407.31-407.51).

Present law in "Child Care Facilities and Child Placing Agencies" in Chapter 14 of Title 46 provides for licensing and regulation of child care facilities, child placing agency, maternity home, and residential homes by the Dept. of Children and Family Services (DCFS).

Proposed law removes the provisions relating to the licensing and regulation of child care facilities that shall be provided by the Dept. of Education as provided in Part X-B of Chapter 1 of Title 17 in proposed law.

Proposed law renames Chapter 14 as the "Specialized Provider Licensing Act" and generally retains provisions of present law relating to licensing and regulation of "specialized providers" by DCFS. Defines "specialized provider" as a child-placing agency, maternity home, or residential home.

Proposed law repeals the La. Advisory Council on Child Care and Early Education.

Effective July 1, 2014.

(Amends R.S. 15:587.1(A)(1)(a), 36:474(A)(11), and 477(B)(1), 46:1401, 1402, 1402.1, 1403, 1404(A), 1405, 1406, 1407, 1414.1, 1415, 1417, 1418(A), 1419, 1420(A), 1421, 1422, 1423, 1427, 1428, and 1430; adds R.S. 17:407.26 and 407.31-407.51; and repeals R.S. 46:1414, 1426 and 1429)