AN ACT


Be it enacted by the Legislature of Louisiana:

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

§587.1 Provision of information to protect children

A.(1)(a) As provided in R.S. 15:825.3, R.S. 17:15 and 407.42, Children's Code Article 424.1, and R.S. 46:51.2 and 1441.13, 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, and as provided in R.S. 46:51.2(A), the Department of Children and Family Services 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.

* * *

Section 2. R.S. 17:407.26 and Part X-B of Chapter 1 of Title 17 of the Louisiana
Revised Statutes of 1950, comprised of R.S. 17:407.31 through 407.53, are hereby enacted
to read as follows:

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

state Department of Education’s authority to receive

A. Upon transfer of lead agency authority from the state Department of
Children and Family Services to the state Department of Education for the
Child Care and Development Fund, the state Department of Education may
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. The state Department of Education shall
deposit all such funds received from the federal government with the state
treasurer who shall, subject to legislative appropriation, make disbursements
upon the recommendation of the state Department of Education. Prior to the
transfer of lead agency authority, the state Department of Children and Family
Services shall seek input and approval from the state Department of Education
in the development of the Child Care and Development Fund State Plan or any
amendments to such plan prior to its submittal to the United States Department
of Health and Human Services.

B. The State Board of Elementary and Secondary Education shall
promulgate rules and regulations to implement the Child Care and
Development Fund State Plan. The state Department of Education shall develop
and implement the state plan in accordance with such rules and regulations.
C. Prior to the transfer of lead agency authority from the state Department of Children and Family Services to the state Department of Education, the departments shall enter into a cooperative endeavor agreement to ensure a coordinated and seamless transition that does not interrupt the provision of state services nor unduly impact the operation or function of either agency. The transition shall occur in such a manner that is cost neutral to the state. The cooperative endeavor agreement entered into by the agencies to facilitate the transfer of the grant and services shall ensure the transfer of funds from the state Department of Education to the state Department of Children and Family Services in an amount sufficient to fully fund the indirect costs of the state Department of Children and Family Services which were previously funded by the Child Care and Development Fund, until such time as another funding source is identified by the state Department of Children and Family Services to pay for those indirect costs. This agreement between the state Department of Education and the state Department of Children and Family Services may also allow services to be purchased by the state Department of Education including but not limited to fulfilling grant requirements, data reporting, and services to clients.

D. Lead agency authority shall transfer no later than July 1, 2015. The date shall be established in the cooperative endeavor agreement. The cooperative endeavor agreement shall be submitted to the Joint Legislative Committee on the Budget for review.

*          *          *

PART X-B. EARLY LEARNING CENTER LICENSING

§407.31. Short title

This Part may be cited as the “Early Learning Center Licensing Act”.

§407.32. Legislative intent; declaration of purpose and policy

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

§407.33. Definitions

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

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

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

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

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

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

(6) "Head Start and Early Head Start Programs" mean the federally-
funded early childhood care and education programs that promote and
teach school readiness to children ages birth to five from low-income families
and provide services in the areas of education, social services for families,
nutrition, family engagement, health and mental health, as well as providing the
physical plant and instructional staff members for such purposes.

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

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

§407.34. Requirement of licensure

All early learning centers shall be licensed prior to beginning operations
in Louisiana. Early learning center licenses shall be of three types: Type I, Type
II, and Type III.

§407.35. Exemptions from licensure requirements

A. Public and nonpublic day schools serving children in grades
kindergarten and above, including any prekindergarten programs attached
thereto, as well as camps, and care given without charge, shall be exempt from
the provisions of this Part.

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

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

§407.36. Types of Licenses
A. 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 that is qualified as a tax exempt organization under Section 501(c) of the Internal Revenue Code and that receives no state or federal funds from any source, whether directly or indirectly. A "Type I license" is also the type of license issued to an early learning center holding a "Class B" license prior to the effective date of this Part.

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

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

B. 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".

(1) 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.

(2) 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.

C. 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.

D. Nothing in this Section shall prevent an early learning center...
otherwise qualified for a Type I license to voluntarily seek a Type II or Type III license, or an early learning center otherwise qualified for a Type II license to voluntarily seek a Type III license, provided that such early learning center meets the standards set forth for such license.

§407.37. Operating without a license; penalties

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

B. If any early learning center operates without a valid license issued by the department, the department may 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.

§407.38. Transitional provisions; applicable regulations

A. Until such time as rules are promulgated by the State Board of Elementary and Secondary Education to implement the types of licenses required by R.S. 17:407.36, early learning centers shall continue to follow the administrative rules contained in the Louisiana Administrative Code for the licensure of Class A and Class B child care facilities.

B. The administrative rules contained in the Louisiana Administrative Code promulgated by the Department of Children and Family Services which govern or are applicable to the programs and operations transferred from the Department of Children and Family Services to the Department of Education by this Act shall continue to be effective until the Board of Elementary and Secondary Education promulgates rules to implement the types of licenses required by R.S. 17:407.36.

C. Upon promulgation by the State Board of Elementary and Secondary Education 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.

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

E. The department shall maintain on its website all the information that
is required by state and federal funding sources, which shall be easily accessible
to the public, including but not limited to program statistics for the Child Care
Assistance Program that includes monthly and year-end fiscal year totals of the
number of children and amount of benefits of the current year and previous
years back to 2004, monthly statistics of the number of children and the amount
of benefits by parish, applications processed by parish, unduplicated count of
paid providers by month, redeterminations, and cases by parish and fiscal year.
The department shall also include information on each licensed facility for the
last fifteen visits, including licensed capacity, license type, and current rating.

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

A. Application for licensure of a new early learning center shall be made
by the center to the department using forms furnished by the department. 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, the department shall issue a Type I, Type II, or Type III license
for such period as may be provided for by rule.

B. The State Board of Elementary and Secondary Education may
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.

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

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

E. There shall be 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 this
Section, without an increase in the amount of such fees.

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

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

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

§407.40. Rules, regulations and standards for licenses
A. The State Board of Elementary and Secondary Education shall
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
(2) Promote safe and proper physical facilities at all early learning centers.

(3) Ensure adequate supervision of those attending early learning centers.

(4) Ensure 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. However, nothing in this Paragraph shall 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.

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

(a) Approval from the office of state fire marshal.

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

(2) Each Type III early learning center shall also be required to obtain approval from the department of adherence to 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. The department shall base its approval upon the uniform accountability system as promulgated by the State Board of Elementary and Secondary Education.

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

D. The State Board of Elementary and Secondary Education, upon request by the department, 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.

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

§407.41. State Central Registry Disclosure Requirement

A. No individual whose name is recorded on the state central registry
within the Department of Children and Family Services as a perpetrator for a
justified finding of abuse or neglect of a child shall own or operate a licensed
early learning center or shall 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 the Department of Children and Family Services that the
individual does not pose a risk to children.

B. Any owner, operator, current or prospective employee, or volunteer
of a licensed early learning center shall report annually, and at any time upon
the request of the department, on the state central registry disclosure form
promulgated by the Department of Children and Family Services, 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.

C. Any such current or prospective employee or volunteer of a licensed
early learning center shall submit the state central registry disclosure form to
the owner or operator of the facility, who shall maintain 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 R.S. 46:56(F)
pertaining to the investigations of abuse and neglect.
D. 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 shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

E. 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 the Department of Children and Family Services 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 R.S. 49:992 of the Administrative Procedure Act. Any such determination shall be kept on file at all times by the Department of Children and Family Services.

§407.42. Criminal History Review

A. No person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) shall directly or indirectly own, operate, or participate in the governance of an early learning center, or shall be 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 shall be hired by the department in a position whose duties include the performance of licensing inspections in early learning centers.

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

(a) 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.

(b) The department 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.

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

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

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

   The department shall have the power 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 this Part or any applicable, published rule or regulation of the
State Board of Elementary and Secondary Education relating to early learning
centers. If a license is denied or revoked, or renewal is refused, the action shall
be effective when made, and the department 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.

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

   A. Upon the refusal of the department to grant or renew a license or
upon the revocation of a license, the applicant or licensee having been refused
a license or renewal, or having had a license revoked shall have the right to
appeal such action to the division of administrative law by submitting a written request for an appeal to the department within thirty calendar days after receipt of the notification of the refusal to grant a license, or within fifteen calendar days after receipt of the notification of the refusal to renew or revocation. The department shall notify the division of administrative law within ten calendar days of receipt of a request for an appeal and the appeal hearing shall be held no later than thirty calendar days after such notice, with an administrative ruling no later than fifteen calendar days from the date of a hearing for revocation or refusal to renew a license, or within thirty days from the date of a hearing for the denial of a new license. 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.

B. Notwithstanding any law, rule, regulation, or provision to the contrary, including but not limited to R.S. 49:964(A)(2), the department 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 this Part. The venue of judicial review shall be the district court of the parish in which the licensee is located.

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

A. (1) 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, the department 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 this Section may result in either the assessment of a civil fine or license revocation or may result in both actions being taken by the department. Such civil fine shall not exceed two hundred fifty dollars per day for each assessment; however, the aggregate fines assessed for violations determined in any consecutive twelve-month period shall not exceed two thousand dollars.
(2) The State Board of Elementary and Secondary Education shall adopt rules in accordance with the Administrative Procedure Act that 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. The authority to impose sanctions pursuant to this Section shall commence on the effective date of the rules promulgated pursuant to this Section.

B. The State Board of Elementary and Secondary Education shall adopt rules and regulations in accordance with the Administrative Procedure Act 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. All appeals pursuant to this Subsection shall be heard by the division of administrative law pursuant to Chapter 13-B of Title 49 of the Louisiana Revised Statutes of 1950. The division shall furnish to the facility or agency a copy of the decision, together with notice of the manner for requesting judicial review. 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 the department.

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

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

(2) After compliance with the requirements of Article VII, Section 9(B)
of the Constitution of Louisiana 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 in Paragraph (1) of this Subsection shall be credited to a special fund hereby created in the state treasury to be known as the "Early Learning Center Licensing Trust Fund", hereinafter referred to as "the 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.

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

§407.47. Complaints against centers

It shall be the duty of the department, through its duly authorized agents, to report all complaints, including but not limited to 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.

§407.48. Disclosure of center information

A. The department shall 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.

B. Requests may be sent by email, facsimile, or mail and shall include the name of each early learning center for which information is requested.
C. Early learning centers shall make available to parents or legal custodians information on how to view or obtain copies of early learning center licensing inspections from the department's website.

§407.49. Parent-child relationship

The State Board of Elementary and Secondary Education and the department shall not interfere 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 which 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.

§407.50. Immunization information; influenza

A. Each licensed early learning center, before November first of each year, shall 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. Such information shall include the causes and symptoms of influenza, the means by which influenza is spread, the places where a parent or legal custodian may obtain additional information, and where a child may be immunized against influenza. Such information shall be updated annually if new information on such disease is available.

B. (1) The Department of Health and Hospitals shall develop and provide information on influenza immunization to the department. The department shall provide such information to each licensed early learning center, which shall make the information available to each child’s parent or legal custodian pursuant to Subsection A of this Section.

(2) The Department of Health and Hospitals and the department shall determine respectively the most cost-effective and efficient means of
C. The department, in consultation with the Department of Health and Hospitals, shall establish by rules and regulations all guidelines and procedures for carrying out the provisions of this Section in accordance with the Administrative Procedure Act.

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

§407.51. Advisory Council

A. The board shall establish an Advisory Council on Early Childhood Care and Education that shall consist of the following members:

(1) Two representatives of Type III early learning centers, selected by the state superintendent of education.

(2) One representative of a Type II early learning center, selected by the state superintendent of education.

(3) One representative of a Type I early learning center, selected by the state superintendent of education.

(4) Two representatives of Head Start programs, one of which shall be operated by a local education agency and selected by the state board, and one of which shall be operated by a nonlocal education agency and selected by the state superintendent of education from a list of three persons nominated by the Louisiana Head Start Association.

(5) Two representatives of local education agencies operating publicly-funded early childhood programs other than Head Start, selected by the state board.

(6) Two representatives of Louisiana nonprofit advocacy organizations having a focus on early childhood education, selected by the state superintendent.

(7) Two representatives of approved nonpublic schools with publicly-funded early childhood care and education programs, selected by the state board.
(8) One professional or faculty member having child development or early childhood education expertise from a Louisiana post-secondary education institution, selected by the commissioner of higher education.

(9) The president of the Louisiana Chapter of the American Academy of Pediatrics, or his designee.

(10) One representative of an advocacy or service organization that focuses on serving children with disabilities, selected by the state superintendent.

(11) One representative of a Louisiana business or community organization, selected by the state board.

(12) One parent of a child currently enrolled in a publicly-funded early learning center or prekindergarten program, selected by the state board.

B. The council shall include nonvoting ex officio members who may advise and contribute to discussions pertaining to early childhood care and education, including but not limited to the following:

(1) The chairmen of the House Committee on Education, Senate Committee on Education, House Committee on Health and Welfare, and Senate Committee on Health and Welfare, or their designees.

(2) The secretary of the Department of Children and Family Services or his designee.

(3) The state director of the Louisiana State Head Start Collaboration Project.

(4) A representative of the state agency responsible for programs under Section 619 or Part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.).

(5) The director of the Maternal and Child Health Program at the Department of Health and Hospitals.

(6) The director of the Child and Adult Care Food Program at the Department of Education.

(7) The Louisiana State Fire Marshal, or his designee.

(8) A representative from the office of sanitarian services at the
Department of Health and Hospitals.

(9) A representative from the Louisiana Workforce Commission.

(10) A representative from the Louisiana State Police Bureau of Criminal Identification and Information.

C. The council shall serve in an advisory capacity to the board and shall comply with the Open Meetings Law.

D. The chair shall be elected by the voting members of the council.

E. Council members shall not receive compensation or a per diem for their services or attendance at council meetings.

F. The Department of Education shall provide staff support for the council, including but not limited to the scheduling of meetings, providing public notice of scheduled meetings, and including information about the council and its meeting minutes on its website. Council meeting minutes shall be provided to the state board at its next regularly scheduled meeting.

G. The council shall meet at least quarterly, with the meetings to be called by the chair or the state superintendent as needed. The chair shall set the agenda.

H. The council shall provide input and guidance to the board and the Department of Education on matters pertaining to the development and implementation of rules, regulations, bulletins, policies or standards related to all publicly-funded early care and education programs, including early learning centers, enrollment in early learning centers, the Cecil J. Picard LA4 Early Childhood Program, the Child Care and Development Fund Block Grant or the Child Care Assistance Program, Early Head Start, and Head Start.

I. Prior to its submission to the United States Department of Health and Human Services, the department shall consult and provide a draft of the state plan for the Child Care and Development Fund and its budget, and any amendments to the state plan including budget revisions, and provide an opportunity for the council to make recommendations. Recommendations made by the council shall be reported to the state board.

J. Prior to the board’s consideration of any rule or standard related to
early learning centers, enrollment in early learning centers, the Cecil J. Picard
LA4 Early Childhood Program, the Child Care and Development Fund Block
Grant or the Child Care Assistance Program, the department shall consult with
and provide a draft of the proposed rules to the council, and provide an
opportunity for the council to make recommendations. Recommendations
made by the council shall be reported to the state board prior to their adoption.
Nothing herein shall prevent the board from adopting an emergency rule
pursuant to the Administrative Procedure Act. The provisions of this
Subsection shall not apply to the adoption of emergency rules. However, the
department shall notify the council of any meetings of the State Board of
Elementary and Secondary Education at which emergency rules pertaining to
matters described in Subsection H of this Section will be considered. Such
notification shall be given at the same time that public notice of the meeting is
given and shall include a draft of the proposed emergency rule.

K. The department shall provide quarterly reports on the
implementation and progress, activities, and status of the Early Childhood Care
and Education Network, including the creation and implementation of an
accountability system for early care and education programs and the transition
of the Child Care and Development Block Grant and licensure to the
Department of Education. Any recommendations by the council shall be
reflected in meeting minutes.

L. The department shall provide the council with reports not less than
annually of the following activities, provided that data is available, pursuant to
a schedule agreed upon by the chair and the state superintendent of education:

1. A description of each publicly-funded early care and education
program, including the eligibility criteria, the program requirements, average
number of hours and days of the program, and the amount of total funding and
source of funding for each program. The description shall also include a specific
description of the fee structure for the Child Care Assistance Program.

2. The number of children served in each publicly-funded early
care and education program in Louisiana, broken down by the age
of the child and amount of public funding per child per program.

(3) The number of early learning centers by each licensing type and at each quality level as determined by the accountability system then in place, and the number of children served at each age in each type at each quality level.

(4) Description of the training and support provided to each program and the amount of funding for this by program and source of funds.

(5) Description of unmet family demand for early care and education in Louisiana.

(6) Description of the goals for the upcoming fiscal year for early care and education in Louisiana, including outcome indicators that will be used to measure progress, and a description of the progress made in achieving the previous year’s goals.

(7) Description and results of any evaluations of the early care and education programs in the state.

(8) Description of the early care and education workforce, including an analysis of the status of the current early care and education workforce, including demographics, certifications and education levels, participation and level on any professional development ladder, and the participation in any teacher tax credits. The description shall also include information about salaries and benefits, and a comparison of these to similarly qualified employees in other but related fields, and an analysis of the workforce capacity necessary to meet the state’s early care and education needs.

M. Any reports provided by the department and any council recommendations shall be included in meeting minutes.

§407.52. Coordination

The Department of Education shall coordinate with the office of state fire marshal and the Department of Health and Hospitals to align standards for licensing of early learning centers with the standards for early childhood education programs.

§407.53. Rules

The State Board of Elementary and Secondary Education shall
promulgate rules and regulations in accordance with the provisions of the
Administrative Procedure Act to carry out the provisions of this Part.
Section 3. Part X-C of Chapter 1 of Title 17 of the Louisiana Revised Statutes of
1950, comprised of R.S. 17:407.61 through 407.72, and Part X-D of Chapter 1 of Title 17
of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:407.81 through 407.84, are
hereby enacted to read as follows:

PART X-C. Family Child Day Care Home Registration Law

§407.61. Short title
This Part may be cited as the "Family Child Day Care Home
Registration Law".

§407.62. Definitions
As used in this Part, the following definitions shall apply unless the
context clearly states otherwise.

(1) "Child" means a person who has not reached the age of eighteen
years. The words "child" and "children" are used interchangeably in this Part.

(2) "Child and Adult Care Food Program" means the federal nutrition
reimbursement program as funded by the United States Department of
Agriculture through the state Department of Education.

(3) "Child Care and Development Fund" means the child care programs
funded through the federal Child Care and Development Fund Block Grant Act
and administered by the state Department of Education.

(4) "Department" means the Department of Health and Hospitals or the
Department of Education, as indicated by the context.

(5) "Family child day care home" means any place, facility, or home
operated by any institution, society, agency, corporation, person or persons, or
any other group for the primary purpose of providing care, supervision, and
guidance of six or fewer children.

(6) "Relative" or "related" means the child, grandchild, niece, or
nephew of the primary child care provider in a family child day care home.

§407.63. Requirement for registration; exemptions
A. All family child day care homes that receive state or federal funds,
directly or indirectly, shall be registered.

B. Family child day care homes that do not receive state or federal funds, directly or indirectly, and individuals who provide care for only related family members, shall not be required to be registered.

C. All family child day care homes shall be registered prior to receiving any state or federal funds, directly or indirectly.

§407.64. Rules and regulations; inspection requirements

A. The Department of Health and Hospitals shall promulgate rules and regulations in accordance with the Administrative Procedure Act to carry out the provisions of this Part for all family child day care homes which receive state or federal funds except those family child day care homes which participate in the United States Child and Adult Care Food Program or the Child Care and Development Fund.

B. The Department of Education shall promulgate rules and regulations in accordance with the Administrative Procedure Act to carry out the provisions of this Part for those family child day care homes that participate in the United States Child and Adult Care Food Program or the Child Care and Development Fund.

C. A family child day care home shall be inspected and approved by the office of state fire marshal in accordance with the rules and regulations as established under Subsections A and B of this Section, developed in consultation with the office of state fire marshal.

§407.65. Inspections

The Department of Education, through its duly authorized agents, shall reserve the right to visit and inspect registered family child day care homes as deemed necessary by the department. All family child day care homes shall be open to inspection by the department, parents, and by other authorized inspection personnel during normal working hours or when children are in care.

§407.66. Fees

A. (1) The office of state fire marshal shall have the authority to charge
each family child day care home applying for registration or renewal of
registration an annual fee for services. This fee shall be adopted in accordance
with the Administrative Procedure Act.

(2) A fee shall be charged to cover the cost of inspection for family child
day care homes regulated by the Department of Education in accordance to R.S.
17:407.64(B). The fee shall be set at thirty dollars per inspection and used for
the sole purpose of employing personnel to perform such inspections.

B. The office of state fire marshal shall transfer sufficient funds to the
Department of Health and Hospitals or the Department of Education for those
family child day care homes which receive state or federal funds but do not
participate in the United States Child and Adult Care Food Program to carry
out the registration process in accordance with this Part.

§407.67. Revocation or refusal to renew registration; written notice

The authorized department shall have the authority to deny, revoke, or
refuse to renew a registration of a registered family child day care home if an
applicant has failed to comply with the provisions of this Part, any applicable
published rule or regulation relating to registered family child day care homes,
or any other state, federal, or local rule or regulation. If a registration is denied,
revoked, or withdrawn, the action shall be effective when made and the family
child day care home shall be notified in writing. This notice shall give the reason
for denial, revocation, or withdrawal of the registration.

§407.68. Revocation or refusal of registration; appeal procedure

Upon the refusal of the department to grant or renew a registration or
upon the revocation of a registration, the family child day care home having
been refused a registration or renewal or having had a registration revoked
shall have the right to appeal such action to the division of administrative law
by submitting a written request for an appeal to the department within thirty
calendar days after receipt of the notification of the refusal or revocation. The
department shall notify the division of administrative law within ten calendar
days of receipt of a request for an appeal and the appeal hearing shall be held
no later than thirty calendar days after such notice, with an administrative
ruling no later than thirty calendar days from the date of the hearing. 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.

§407.69. Operating without or in violation of registration; penalty; injunctive
relief

A. Whoever operates a family child day care home required to be
registered under this Part without a valid registration issued by the department
shall be fined not less than twenty-five dollars nor more than one hundred
dollars. Each day of operation in violation of the requirements of this Part shall
constitute a separate offense.

B. The department may also file suit in the district court in the parish in
which the family child day care home is located for injunctive relief, including
a temporary restraining order, to restrain the family child day care home from
continuing the violation.

§407.70. Notification of health and safety violations

The department shall notify the appropriate agencies if it is determined
that one or more violations exist within a family child day care home which
place the health and well-being of a child or children in imminent danger.

§407.71. Grounds for revocation or refusal to renew registration; criminal
activities; lack of CPR or first aid training

A. No family child day care home may have in its employ, or living in the
home, any person who has been convicted of or pled nolo contendere to a crime
listed in R.S. 15:587.1(C). The cost of any criminal background check which
may be required by the department as proof of compliance with this Subsection
shall be the responsibility of the family child day care home.

B. The primary child care provider of any family child day care home
shall have documented current certification in either Infant/Child CPR or
Infant/Child/Adult CPR.

C. The department may deny, revoke, or refuse to renew any registration
of a family child day care home which violates the provisions of this Section.

D. The provisions of this Section shall not apply to a family child day
care home in which the primary child care provider at such home is related to all the children receiving child care at such home.

E. The provisions of this Section shall not apply to a family child day care home registered with the Department of Education solely for participation in the United States Child and Adult Care Food Program.

§407.72. Orientation

A. All family child day care home providers receiving payments from the Department of Education shall be required to participate in a four-hour orientation. The orientation curriculum shall include but not be limited to the following subjects: recordkeeping; immunization schedules and requirements; recognizing signs of child abuse; child abuse prevention; communicating with parents; age appropriate activities for young children; child development; child safety; and nutritional needs of children. The orientation will count toward the required hours of professional development training mandated by the Department of Education.

B. New family child day care home providers are required to provide proof of orientation participation within twelve months after beginning operation. New providers, at the time of application, are required to sign an agreement committing to attend the required orientation within twelve months.

PART X-D. Early Learning Staff

§407.81. Legislative intent; declaration of policy

It is the intent of the legislature to protect the health, safety, and well-being of the children of the state who are in out-of-home care on a regular or consistent basis. To that end, it shall be the policy of the state to ensure protection of children in care by encouraging early learning staff to obtain certification through early childhood educational training programs.

§407.82. Definitions

As used in this Part, the following definitions shall apply:

(1) "Early learning staff" means a person employed as a full-time staff member in a licensed early learning center or a registered family child day care home.
(2) "Department" means the Department of Education.

§407.83. Early learning staff; training

Early learning staff who participate in an early childhood educational training program approved by the department may be eligible for a scholarship funded by the state. Such scholarship shall be awarded only if funds are appropriated by the federal government for such purpose.

§407.84. Departmental duties and responsibilities

A. The department shall administer the provisions of this Part and shall be responsible for all matters pertaining to establishing the scholarship amount and the method of payment to eligible early learning staff.

B. The department shall develop guidelines and procedures to implement the provisions of this Part and to establish the amount of scholarships. The guidelines for determining the scholarship amount may include the number of training hours earned, the type of training selected, the cost of the training to early learning staff, the benefit of the training to the state and to the children served, and other points considered essential by the department.

Section 4. R.S. 36:474(A)(11) and 477(B)(1) are hereby amended and reenacted to read as follows:

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

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

* * *

(11) Except as provided in Subsection G of this Section, prepare and submit a state plan for participation in the Child Care and Development Block Grant Program until such authority is transferred to the state Department of Education in accordance with R.S. 17:407.26, and in the Title IV-A federal program to assist families at risk of welfare dependency. The Joint Committee on Health and Welfare shall serve as an advisory 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 5. 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
CHILD-PLACING AGENCIES LICENSING SPECIALIZED PROVIDERS

§1401. Short title

This Chapter may be cited as the "Child Care Facility and Child-Placing
§1402. Legislative intent; declaration of purpose and policy

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

§1402.1. Licensing; prohibition of conflict of interest

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

§1403. Definitions

As used in this Chapter, the following definitions shall apply unless the context clearly states otherwise:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) "Specialized provider" means a child-placing agency, maternity
home, or residential home.

(12) "Type I license" means a license held by a child day care center or
residential home that is owned or operated by a church or religious organization that
does not wish to be licensed as a Type II, Type III, or Type IV center. Nothing herein
shall be construed to require a children's religious ministry program operated by a
church or other religious organization in accordance with R.S. 46:1429 to be licensed
pursuant to this Chapter. "Type I license" also means a license held by a child day
care center or residential home holding a Class B license prior to the effective date
of this Section.

(13) "Type II license" means the license held by a privately owned child day
care 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 the federal
food and nutrition program:
(16) "Type III license" means the license held by any publicly or privately owned early childhood learning center which receives state or federal funds, directly or indirectly, from any source other than the federal food and nutrition program. Type III early childhood 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.

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

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

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

* * *

§1404. Requirement of licensure

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

* * *

§1405. Transitional provisions

A. Until such time as rules are promulgated by the department to implement the types of licenses required by R.S. 46:1404, child care facilities and child-placing agencies Specialized providers shall follow the rules, regulations, and standards in effect for Class A and Class B licensure.

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

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

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

(2) Any child day care center possessing a Class A license on January 1, 2014 that meets the definition of a Type II license pursuant to this Chapter shall be issued a Type II license as provided by rule.

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

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

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

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

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

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

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

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

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

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

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

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

H. There shall be an annual license fee of fifty dollars for any license
issued to a child-placing agency or maternity home.

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

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

§ 1407. Rules, regulations, and standards for licenses

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

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

(a) Promote the health, safety, and welfare of children attending any facility
specialized provider.
(b) Promote safe, comfortable, and proper physical facilities of specialized providers.

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

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

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

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

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

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

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

(h) Include regulations and standards for nighttime care.

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

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

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

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

- Approval from the Department of Public Safety and Corrections, office
  of the state fire marshal, code enforcement and building safety.

- Approval from the Department of Health and Hospitals, office of
  public health.

(b) Type III early childhood learning centers shall adhere to 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. The Department of Education shall base its approval upon
the uniform accountability system.

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

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

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

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

E. The secretary of the department, in specific instances, may waive
compliance with a 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 facility specialized provider or agency is meeting or exceeding the intent of a standard or regulation, the standard or regulation may be deemed to be met.

F. Discrimination by child care facilities specialized providers and child-placing agencies on the basis of race, color, creed, sex, national origin, disability as defined by R.S. 51:2232(11), ancestry, or whether the child is being breastfed is prohibited. However, this shall not restrict the hiring or admission policies of a church or religious organization, which may give preference in hiring or admission to members of the church or denomination.

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

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

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

§1414.1. Disclosure requirements; penalties

A. Any owner, operator, current or prospective employee, or volunteer of a child care facility specialized provider licensed by the Department of Children and Family Services shall report annually and at any time upon the request of the department on the state central registry disclosure form promulgated by the department 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.

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

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

D. Any owner, operator, current or prospective employee, or volunteer of a child care facility specialized provider licensed by the department 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 the department to determine that the individual does not pose 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 R.S. 49:992 of the Administrative Procedure Act. Any such determination by the risk evaluation panel shall be kept on file at all times by the department.

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

§1415. Facilities and agencies subject to regulation; exemptions

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

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

* * *

Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.
§1417. Inspections

It shall be the duty of the department, through its duly authorized agents, to inspect at regular intervals not to exceed one year, or as deemed necessary by the department, and without previous notice all child care facilities and child placing agencies specialized providers subject to the provisions of this Chapter. The department shall also develop and facilitate coordination with and among other authorized agencies making inspections at regular intervals. The facility A specialized provider shall be open to inspection only during working hours by parents or legal guardians of children in care and by authorized inspection personnel.

§1418. Complaints

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

* * *

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

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

§1420. Refusal or revocation of license; appeal procedure

A. Upon the refusal of the department to grant a license or upon the revocation of a license, the agency, institution, society, corporation, person or
persons, or other group having been refused a license or having had a license
revoked shall have the right to appeal such action by submitting a written request to
the secretary of the department within thirty days after receipt of the notification in
the case of the refusal of the license or, in the case of revocation, within fifteen
calendar days after receipt of the notification of the revocation. The appeal hearings
shall be held no later than thirty days after the request therefor, except as provided
in the Administrative Procedure Act, and shall be conducted in accordance with
applicable regulations of the department and the provisions of R.S. 46:107. 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.

*          *          *

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

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

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

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

§1423. Removal of individuals from facility

The department shall remove any child or all children from any facility or
agency specialized provider when it is determined that one or more violations exist
within the facility specialized provider or agency which places the health and well-
being of the child or children in imminent danger; provided, however, that a
contradictory hearing shall be held within seven days thereafter by the district court
of the district to determine whether the action was justified and whether and how
§1427. Parent-child relationship

The Department of Children and Family Services shall not interfere 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 guardian has enrolled their child in a child care facility specialized provider, including but not limited to a child residential facility, operated by a religious, nonprofit organization which 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 guardian of the child agrees to such condition.

§1428. Immunization information; influenza

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

B.(1) The Department of Health and Hospitals shall develop and provide information on influenza immunization to the Department of Children and Family Services. The Department of Children and Family Services shall provide such information to each licensed child care facility specialized provider or child-placing agency, which shall make the information available to each child's parent or legal guardian pursuant to Subsection A of this Section.

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

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

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

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

A.(1) For violations related to supervision, criminal history record checks, the state central registry disclosure process, staff-to-child ratios, motor vehicle checks, or failure to report critical incidents, the Department of Children and Family Services may issue a written warning that includes a corrective action plan, in lieu of revocation, upon any person or entity specialized provider 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 this Section may result in either the assessment of a civil fine or license revocation or may result in both actions being taken by the department. Such civil fine shall not exceed two hundred fifty dollars per day for each assessment; however, the aggregate fines assessed for violations determined in any consecutive twelve-month period shall not exceed two thousand dollars.

(2) The department shall adopt rules in accordance with the Administrative Procedure Act 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. The department shall develop and adopt rules and regulations required by this Paragraph with input and guidance from the Louisiana Advisory Council on Child Care and Early Education.
The authority to impose sanctions pursuant to this Section shall commence on the effective date of the rules promulgated pursuant to this Section.

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

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

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

(2) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana 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 in Paragraph (1) of this Subsection shall be credited to a special fund hereby created in the state treasury to be known as the “Child Care Specialized Provider Licensing Trust Fund”, hereinafter referred to as “the fund”. The monies in the fund shall be subject to annual appropriation and shall be available exclusively for use by the Department of Children and Family Services for the education and training of employees, staff, or other personnel of child care facilities...
specialized provider and child-placing agencies.

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

Section 6. R.S. 46:1414, 1426, and 1429 are hereby repealed in their entirety.

Section 7. Chapter 14-B of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:1441 through 1441.14, and Chapter 14-E of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:1445 through 1448 are hereby repealed in their entirety.

Section 8. Sections 1, 2, 4, 5, and 6 of this Act shall become effective on October 1, 2014. Sections 3 and 7 of this Act shall become effective on February 1, 2015.