

RÉSUMÉ DIGEST

ACT 587 (SB 441)

2026 Regular Session

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Existing law requires the State Board of Elementary and Secondary Education (BESE) to approve a nonpublic elementary or secondary school that applies for approval if it meets and maintains a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools.

New law retains existing law.

New law requires BESE to approve a prekindergarten program established by a nonpublic school if the program meets existing law requirements for approval of a nonpublic school and maintains substantial compliance with child safety and welfare standards provided for in existing law. Requires each school to attest to its compliance with these standards in its annual application.

New law requires BESE, in consultation with the Nonpublic School Commission, to adopt rules and regulations to protect the health and safety of three-year-old children who attend prekindergarten at an approved nonpublic elementary school.

Existing law authorizes local public school boards and the governing authorities of approved nonpublic schools to develop and offer prekindergarten instruction.

New law retains existing law and adds a requirement that any parent who chooses to enroll his child in either a public or nonpublic prekindergarten program be provided with the information that the program is operated by a school and is not subject to federal daycare requirements or licensed by the state Dept. of Education (DOE) as an early learning center.

Existing law requires all public prekindergarten programs to comply with child safety and welfare standards provided for in existing law.

Prior law required all nonpublic prekindergarten programs to be licensed as early learning centers (commonly referred to as "daycares" or "childcare facilities").

New law removes requirements that nonpublic prekindergarten programs be licensed as an early learning center, or daycare, under prior law.

New law provides for a procedure for egregious complaints to be communicated to the governing authority of the public or nonpublic school. Authorizes DOE to recommend that BESE deny an approval request of a nonpublic school for a prekindergarten program for the next school year unless substantive assurance is provided by the school that it will comply with the child safety and welfare standards.

Prior law defined "early learning center" as any child day care center, Early Head Start Center, Head Start Center, or nonpublic prekindergarten program. Prior law also required all facilities, including nonpublic prekindergarten programs that were defined as an "early learning center" be licensed by DOE.

New law removes nonpublic prekindergarten programs from the definition of "early learning center" and limits licensure as to only stand-alone early learning programs that are not part of an elementary school as defined under existing law.

Existing law exempts from early learning center licensing all of the following facilities: school grades kindergarten and above, prekindergarten programs attached to a public day school, camps, registered family child day care homes, and care given without charge. Existing law (R.S. 407:33 and 407.35(B)) exempts from licensure those mother's day out programs that are defined as religious enrichment programs for children offered at a church or other place of worship so long as the hours of operation do not exceed twenty-four hours a week.

New law retains existing law and also exempts from early learning center licensing those prekindergarten programs attached to nonpublic and public day schools serving children in

grades kindergarten or above. New law further clarifies that Mother's day out programs do not require licensure as an early learning center.

Prior law defined the term "camp" as any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group that served only children five years of age or older and operated only when school was not in session, during the summer months, or school holidays and included Vacation Bible Schools or Bible Camps.

New law lowers the minimum age to attend camp from five to three and expands the definition of "camp" to include:

(1) An entity that is a tax-exempt church or religious organization that operates a Vacation Bible School, Bible Camp, or other religious camp and allows enrollment for children of any age.

(2) An entity that operates an after-school or weekend extracurricular, academic, or an athletic program, including any competition related to the program, or an after-school or weekend tutoring program or other educational or an enrichment program authorized by existing law.

Prior law required and all prekindergarten programs at nonpublic schools to meet the same staffing requirements and specified child safety and welfare standards as early learning centers or daycares.

New law removes the requirements of prior law to early learning centers and specifies that it applies only to school prekindergarten programs.

New law retains certain safety standards except for the following revisions relative to child-to-staff ratios:

- (1) Removes specific child-to-staff ratios and instead provides that the child-to-staff ratios are in compliance with those set in rules that BESE must adopt, including rules for ratio requirements for prekindergarten students who are three years old, four years old, and five years old in order to provide for their health, safety, and welfare.
- (2) Allows that an average of the child-to-staff ratios that apply to mixed age groups of children without age limitation.
- (3) Removes requirement that if the mixed age group includes children under two years of age, with the youngest child determines the child-to-staff ratio for the group.
- (4) Removes requirement for additional staff for children with special healthcare needs warranting additional care.
- (5) Removes requirement that only staff members directly providing care, supervision, or guidance to children be counted in the child-to-staff ratio.
- (6) Removes requirement that sufficient staffing needed to satisfy child-to-staff ratios be present on the premises during rest time and available to assist as needed.

New law requires BESE to set child-to-staff ratios requirements, by rule, for students who are three years old, four years old, and five years old in order to provide for health, safety, and welfare of those students. New law further authorizes BESE to waive ratio requirements under certain circumstances.

Existing law requires DOE to provide written notification to the superintendent of a school district for any complaint received by the department regarding a prekindergarten program in the public school district pursuant to existing law.

New law retains existing law and adds that DOE provide written notification to the governing authority of a nonpublic or charter school for any complaint received by the department regarding a prekindergarten program at the school.

New law provides for monitoring activities conducted by DOE for compliance with the child safety and welfare standards. Provides for documentation of violations of the child safety and welfare standards and the issuance of warnings to schools, which may include corrective actions.

New law provides that an accredited approved nonpublic school is exempt from the monitoring requirements if the school maintains accreditation in good standing with an accreditation organization recognized by BESE for the purpose of school approval and the accreditation organization's standards meet or exceed the child safety and welfare standards. Provides that the school must provide a written attestation to DOE that the accrediting organization's standards meet or exceed the child safety and welfare standards and provides documentation from the accrediting organization supporting the attestation.

New law provides that an unaccredited approved nonpublic school is exempt from the monitoring requirements if either of the following conditions are met:

- (1) The school remains a member in good standing with an association or organization recognized by BESE; the association or organization standard's include provisions addressing the supervision, health, safety, and welfare of students enrolled in a prekindergarten program that meet or exceed the child safety and welfare standards; and the school provides a written attestation to DOE that the association or organization's standards meet or exceeds the standards.
- (2) DOE recommends that approval be granted after an annual review that the department is to conduct of each school seeking approval.

New law provides that if an association or organization's application is not approved prior to the 26-27 school year by BESE, DOE must accept an attestation from an unaccredited approved nonpublic school.

New law provides that BESE may revoke its approval of a prekindergarten program operated by a nonpublic school at any time if BESE determines that it has jeopardized the health, safety, or welfare of its students.

New law provides for an exemption for schools operated by federally recognized tribe from the child safety and welfare standards and monitoring by DOE.

New law exempts a nonpublic school that operates a prekindergarten program and that does not receive any state or federal funds from monitoring by DOE.

Effective June 1, 2026.

(Amends R.S. 17:11(B), 24.8(A), (B), and (D)(1), 407.33(1) and (5), 407.35(A), and 407.41(A), (B)(2) and (3), and (C); adds R.S. 17:24.8(E) and 407.41(D), (E), and (F))