

2025 Regular Session

SENATE BILL NO. 41

BY SENATORS BARROW, BOUDREAUX, BOUIE, CARTER, CATHEY, CONNICK,
HODGES, JACKSON-ANDREWS, JENKINS, LAMBERT, LUNEAU,
MCMATH, MIZELL, PRICE, SELTERS, STINE AND WOMACK
AND REPRESENTATIVE BILLINGS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CHILDREN. Provides relative to child welfare. (See Act)

AN ACT

To amend and reenact R.S. 14:91.3(A), the introductory paragraph of R.S. 15:587.1(C), 587.1(C)(1), and 1110.3(H), the introductory paragraph of R.S. 17:8.7(B) and 8.7(B)(1), 15(A)(1)(a), (b)(i)(bb) and (cc), and (b)(ii) and (2)(a)(ii) through (v), (D), and (E), 16(A), 24.8(A) and (B)(2), 407.33(5), 407.35(A), 407.42(A)(2) and (B)(1)(b), 407.46(A)(1), 407.71(A), 443(B)(1), 493(C)(1), and 3996(B)(28), R.S. 24:525(D), R.S. 40:2008.10(A)(3) and 2019(F)(3)(b), R.S. 46:51.2(A)(1)(b), 56(F)(1), (4)(c), (10)(b)(i), and (11), and 1414.1(A), Children's Code Art. 116(2.1) and (2.2), 603(4)(a) and (17)(d), 603.1(B), 610(A), (E)(1) and (2), and (H), 612(A)(3), 615(B)(2), (3), and (5), the introductory paragraph of 615(E) and 615(E)(1) and (4)(a) and (F), 616(B), the introductory paragraph of 616(D), 616(E) and (H), and 616.1.1(A) and to enact R.S. 17:15(A)(1)(b)(i)(dd) and (2)(a)(vi), 407.41, and 3996(B)(82), Children's Code Art. 603(17)(l) through (o) and 610(I) and Civil Code Art. 2315.12, relative to child welfare; to provide for review of the state central registry for school employees; to provide for reporting recordation on the state central registry; to provide for the licensure of early learning centers; to provide for child welfare and safety minimum standards for prekindergarten programs; to

1 provide for child abuse and neglect determinations; to provide for definitions in the
2 Children's Code; to provide for mandatory reporting training; to provide for
3 procedures for reporting child abuse and neglect; to provide for the responsibility of
4 the Department of Children and Family Services to respond to reports; to provide for
5 investigations of child sexual abuse in a school setting; to provide for liability for
6 damages caused by sexual abuse in a school setting; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:91.3(A) is hereby amended and reenacted to read as follows:

10 §91.3. Unlawful participation in a child-related business

11 A. No person who has been convicted of, or who has pled guilty or nolo
12 contendere to, an offense listed in R.S. 15:587.1(C) **or whose name is recorded on**
13 **the Department of Children and Family Services' state central registry on or**
14 **after August 1, 2018,** shall own, operate, or in any way participate in the governance
15 of any early learning center as defined by R.S. 17:407.33, residential home as
16 defined by R.S. 46:1403, or residence in which child care services are provided by
17 a family child care provider or in-home provider who is registered pursuant to R.S.
18 17:407.61 et seq.

19 * * *

20 Section 2. The introductory paragraph of R.S. 15:587.1(C), 587.1(C)(1), and
21 1110.3(H) are hereby amended and reenacted to read as follows:

22 §587.1. Provision of information to protect children

23 * * *

24 C. The provisions of R.S. 15:825.3, R.S. 17:8.9, 15, 407.42, and 407.71, R.S.
25 46:51.2 ~~and 1441.13~~, and Children's Code Article 424.1 shall govern the
26 employment of persons who have been convicted of, or pled guilty or nolo
27 contendere to, any of the following crimes:

28 (1) R.S. 14:30, R.S. 14:30.1, R.S. 14:31, R.S. 14:32.6 through R.S. 14:32.8,
29 R.S. 14:41 through R.S. 14:45, **R.S. 14:46.2 through** R.S. 14:46.4, R.S. 14:74, ~~R.S.~~

~~14:78, R.S. 14:78.1~~, R.S. 14:79.1, R.S. 14:80 through R.S. 14:86, R.S. 14:89, R.S. 14:89.1, R.S. 14:89.2, R.S. 14:92, R.S. 14:93, R.S. 14:93.2.1, R.S. 14:93.3, **R.S. 14:93.5**, crimes of violence as defined in R.S. 14:2(B), sex offenses as defined in R.S. 15:541, R.S. 14:106, R.S. 14:282, R.S. 14:283, R.S. 14:283.1, R.S. 14:284, R.S. 14:286, R.S. 40:966(A), R.S. 40:967(A), R.S. 40:968(A), R.S. 40:969(A), and R.S. 40:970(A) or convictions for attempt or conspiracy to commit any of those offenses;

* * *

§1110.3. Licensing; transfer to office of juvenile justice

* * *

H.(1) Any owner, operator, current or prospective employee, or volunteer of a juvenile detention facility that is requesting licensure or is licensed by the office of juvenile justice is prohibited from being employed by the facility if that individual's name is recorded on the state central registry as a perpetrator for a ~~justified~~ **substantiated** finding of abuse or neglect of a child.

(2) If the individual's name is or was entered on the state central registry, the individual who is the subject of the finding may file a written motion seeking correction to the division of administrative law for an administrative appeal of the ~~justified~~ **substantiated** determination, in accordance with Children's Code Article 616.1.1 and the procedures promulgated by the office.

* * *

Section 3. The introductory paragraph of R.S. 17:8.7(B) and 8.7(B)(1), 15(A)(1)(a), (b)(i)(bb) and (cc), and (b)(ii) and (2)(a)(ii) through (v), (D), and (E), 16(A), 24.8(A) and (B)(2), 407.33(5), 407.35(A), 407.42(A)(2) and (B)(1)(b), 407.46(A)(1), 407.71(A), 443(B)(1), 493(C)(1), and 3996(B)(28) are hereby amended and reenacted and R.S. 17:15(A)(1)(b)(i)(dd) and (2)(a)(vi), 407.41, and 3996(B)(82) are hereby enacted to read as follows:

§8.7. Prohibition against granting an educator credential or teaching authorization to certain persons; appeals

* * *

1 B. The board may, after a successful appeal, issue an educator credential or
2 other teaching authorization to a person ~~who has been convicted of or has pled nolo~~
3 ~~contendere to a felony offense, or an offense listed in R.S. 15:587.1(C),~~ who has
4 been found to have submitted fraudulent documentation to the board or the state
5 Department of Education as part of an application for a teaching certificate or other
6 teaching authorization, or who has been found to have facilitated cheating on any
7 state assessment as determined by the board, if all of the following conditions apply:

8 (1) Five years have passed from ~~the date of entry of the person's final~~
9 ~~conviction, the date of entry of a plea of nolo contendere,~~ or the date of receipt of
10 notification from the board of its determination that the person submitted fraudulent
11 documentation or facilitated cheating on a state assessment.

12 * * *

13 §15. Criminal history review

14 A.(1)(a) A person who has been convicted of or has pled nolo contendere to
15 a crime listed in R.S. 15:587.1(C) or whose name is recorded on the Department
16 of Children and Family Services' state central registry on or after August 1,
17 2018, shall not be hired by a city, parish, or other local public school board or a
18 nonpublic school or school system as a bus operator, substitute bus operator, or
19 janitor, or as a temporary, part-time, or permanent school employee of any kind.

20 (b)(i) Except as otherwise provided in this Subparagraph, a city, parish, or
21 other local public school board or a nonpublic school or school system shall not
22 knowingly hire a person as an administrator, teacher, or substitute teacher if the
23 person:

24 * * *

25 (bb) Is recorded on the Department of Children and Family Services'
26 state central registry on or after August 1, 2018.

27 ~~(bb)~~(cc) Has been found to have submitted fraudulent documentation to the
28 State Board of Elementary and Secondary Education or the state Department of
29 Education as part of an application for a Louisiana teaching certificate or other

1 teaching authorization.

2 ~~(ee)~~**(dd)** Has been found to have facilitated cheating on any state assessment
3 as determined by the State Board of Elementary and Secondary Education.

4 (ii) A city, parish, or other local public school board or a nonpublic school
5 or school system may hire a person as an administrator, teacher, or substitute teacher
6 who is otherwise prohibited from being hired pursuant to ~~Item (i)~~ **Subitem (i)(cc)**
7 **and (dd)** of this Subparagraph if the State Board of Elementary and Secondary
8 Education approves a formal appeal request submitted by the person and issues a
9 teaching certificate or authorization as provided in R.S. 17:8.7(B).

10 * * *

11 (2)(a) A city, parish, or other local public school board shall dismiss:

12 * * *

13 **(ii) An administrator, teacher, or substitute teacher whose name is**
14 **recorded on the Department of Children and Family Services' state central**
15 **registry on or after August 1, 2025.**

16 ~~(ii)~~**(iii)** An administrator, teacher, or substitute teacher who is found to have
17 submitted fraudulent documentation to the State Board of Elementary and Secondary
18 Education or the state Department of Education as part of an application for a
19 Louisiana teaching certificate or other teaching authorization.

20 ~~(iii)~~**(iv)** An administrator, teacher, or substitute teacher who is found to have
21 facilitated cheating on any state assessment as determined by the State Board of
22 Elementary and Secondary Education.

23 ~~(iv)~~**(v)** Any other school employee if ~~such~~ **the** employee is convicted of or
24 pleads nolo contendere to a crime listed in R.S. 15:587.1(C), except R.S. 14:74.

25 **(vi) Any other school employee if the employee's name is recorded on the**
26 **Department of Children and Family Services' state central registry on or after**
27 **August 1, 2025.**

28 * * *

29 D.(1)**(a)** An administrator, teacher, or other school employee upon his final

conviction of or plea of guilty or nolo contendere to any criminal offense, excluding traffic offenses, shall report the fact of his conviction or plea to his employer and to the department within two business days, exclusive of weekends and holidays, of the conviction or plea of guilty or nolo contendere. Upon receiving a report of a final conviction of or plea of guilty or nolo contendere to any criminal offense, excluding traffic offenses, by an employee holding a teaching certificate or teaching authorization issued by the state board, a school or school system shall report the fact of the conviction or plea to the Department of Education within two business days, exclusive of weekends and holidays, of receiving the report of the conviction or plea of guilty or nolo contendere.

(b) An administrator, teacher, or other school employee whose name is recorded on the Department of Children and Family Services' state central registry on or after August 1, 2025, shall report the recordation to his employer and to the department within two business days, exclusive of weekends and holidays.

(2) An administrator, teacher, or substitute teacher who fails to report a conviction or plea of guilty or nolo contendere of any felony offense **or fails to report recordation on the Department of Children and Family Services' state central registry** shall be fined not more than one thousand dollars or imprisoned for not more than one year, with or without hard labor, or both.

(3) A school employee other than an administrator, teacher, or substitute teacher who fails to report a conviction or plea of guilty or nolo contendere of any criminal offense listed in R.S. 15:587.1(C)(1) **or fails to report recordation on the Department of Children and Family Services' state central registry** shall be fined not more than five hundred dollars or imprisoned for not more than six months, with or without hard labor, or both.

E.(1) The State Board of Elementary and Secondary Education may assess a civil fine against a school governing authority, equal to the average state yearly compensation for a public school teacher, inclusive of salary and benefits, who

1 knowingly employs a person without requesting the criminal records or verifying
2 whether the person's name is recorded on the Department of Children and
3 Family Services' state central registry as required by this Section or who
4 knowingly hires a person who has been convicted of or pled nolo contendere to any
5 crime listed in R.S. 15:587.1(C) or whose name is recorded on the state central
6 registry., and who the State Board of Elementary and Secondary Education has not
7 provided a teaching authorization pursuant to the provisions of R.S. 17:7(10) or who
8 has not completed the formal appeal process required by the state board and been
9 granted a new teaching certificate or other teaching authorization as provided in R.S.
10 17:8.7(B).

11 (2) ~~Such~~ **The** fine shall be levied only after a final judgment is rendered
12 pursuant to an adjudication process conducted in accordance with the provisions of
13 R.S. 49:975 et seq.

14 (3) The state board shall report any ~~such~~ instances of fine assessments to the
15 House Committee on Education and the Senate Committee on Education within
16 thirty days of such assessment. Civil fines collected pursuant to the provisions of this
17 Section shall be deposited immediately into the state treasury. The State Board of
18 Elementary and Secondary Education shall promulgate rules in accordance with the
19 Administrative Procedure Act for implementation of this Subsection.

20 * * *

21 §16. Reporting of certain arrests; school employees; requirements; failure to report

22 A. Effective January 1, 2012, and thereafter, a school employee shall report
23 his arrest for a violation of R.S. 14:42 through 43.5, 80 through 81.5, any other
24 sexual offense affecting minors, any of the crimes provided in R.S. 15:587.1, or any
25 ~~justified~~ **substantiated** complaint of child abuse or neglect on file in the central
26 registry pursuant to Article 615 of the Children's Code.

27 * * *

28 §24.8. Prekindergarten programs

29 A.**(1)** Each city, parish, or other local public school board may develop and

offer prekindergarten instruction. The youngest age at which a child may enter prekindergarten provided for by this Subsection shall be four years old by September thirtieth of the year in which the child enrolls in prekindergarten.

(2) All public prekindergarten programs shall comply with the child safety and welfare minimum standards provided for in R.S. 17:407.41.

B.

* * *

~~(2)(a) The State Board of Elementary and Secondary Education, in consultation with the Nonpublic School Commission, shall adopt rules and regulations to protect the health and safety of three-year-old children who attend prekindergarten at an approved nonpublic elementary school.~~ **All nonpublic prekindergarten programs shall be licensed as an early learning center pursuant to Part X-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950.**

(b) Implementation of this Paragraph is subject to the appropriation of funds by the legislature for this purpose.

* * *

§407.33. Definitions

As used in this Part, the following terms have the following meanings unless the context clearly indicates otherwise:

* * *

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

* * *

§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~~ **to a public day school**, as well as camps, and care given without charge, shall be exempt from the

provisions of this Part. However, all prekindergarten programs shall comply with the child safety and welfare minimum standards provided for in R.S. 17:407.41.

* * *

§407.41. Child safety and welfare minimum standards

A. In addition to regulations promulgated by the State Board of Elementary and Secondary Education pursuant to R.S. 17:407.40, all early learning centers and prekindergarten programs shall meet the following minimum standards to ensure the safety and welfare of children:

(1) There shall be a minimum of two staff members present at any facility when more than four children are present, except under an extenuating circumstance that temporarily prevents compliance with this Paragraph.

(2) The child to staff ratios shall not exceed the following:

(a) Infants and under one year - 5 to 1

(b) One year - 7 to 1

(c) Two years - 10 to 1

(d) Three years - 13 to 1

(e) Four years - 15 to 1

(f) Five years - 19 to 1

(3) The age of the youngest child determines the child to staff ratio when children in a group are of mixed ages.

(4) The number of students in any class shall not exceed twenty. The provisions of this Paragraph shall not apply to recess, physical education, arts, and field trips.

(5) When the nature of a child with special health care needs or the number of children with special health care needs warrants added care, the center shall add sufficient staff as necessary.

(6) Only staff members directly providing care, supervision, or guidance to children shall be counted in the child to staff ratio. The same staff members shall not be used to meet the ratio requirements for two different groups of

1 children at the same time.

2 (7) Sufficient staffing needed to satisfy child to staff ratios shall be
3 present on the premises during rest time and available to assist as needed.
4 Children ages one and older may be grouped together at rest time with one staff
5 member in each room supervising the resting children.

6 (8) Information regarding required child to staff ratios and a phone
7 number to file complaints regarding supervision with the Department of
8 Education shall be posted in each classroom in a location that is visible to
9 parents.

10 (9) Children shall be supervised at all times including on the playground,
11 on field trips, and on nonvehicular excursions.

12 (10) Children shall not be left alone in any room, outdoors, or in vehicles,
13 even momentarily, without staff present. The provisions of this Paragraph shall
14 not apply to restroom use as provided in this Section, when a child is being
15 provided services by therapeutic professionals, or when a child is in the custody
16 of a parent or legal guardian.

17 (11) A staff person shall be assigned to supervise specific children whose
18 names and whereabouts that staff person shall know and with whom the staff
19 person shall be physically present. Staff shall be able to state how many children
20 are in their care at all times.

21 (12) Children who are developmentally able may be permitted to use the
22 restroom independently, provided that:

23 (a) A staff member is in proximity to and can see the children to ensure
24 immediate intervention to safeguard a child from harm or to assist with an
25 accident while in the restroom.

26 (b) Individuals who are not staff members may not enter the restroom
27 area while in use by any child other than their own child.

28 (13) A child age five and older may be permitted to go to and return
29 from the restroom without staff.

1 (14) If a prekindergarten program or early learning center is part of a
2 school with children in kindergarten or older, staff shall ensure that the
3 children enrolled in the prekindergarten program or early learning center are
4 not unsupervised in the restroom at the same time as any older children are
5 using the restroom. For any facility constructed after January 1, 2026, there
6 shall be designated separate restrooms for the children enrolled in the
7 prekindergarten program or early learning center.

8 (15) Children shall be changed and cleaned immediately following a
9 toileting accident.

10 B. Implementation of this Section is subject to the appropriation of funds
11 by the legislature for this purpose.

12 §407.42. Review of criminal history information and state central registry of child
13 abuse and neglect

14 A.

15 * * *

16 (2) No individual whose name is recorded on the state central registry within
17 the Department of Children and Family Services as a perpetrator for a ~~justified~~
18 **substantiated** finding of abuse or neglect of a child or in any other state's child
19 abuse and neglect registry or repository shall own or operate a licensed early learning
20 center or shall be hired by a licensed early learning center as an employee or
21 volunteer of any kind, including any therapeutic professionals, extracurricular
22 personnel, and other independent contractors, or shall be hired by the department in
23 a position whose duties include the performance of licensing inspections.

24 B.(1) The State Board of Elementary and Secondary Education shall establish
25 by regulation, requirements and procedures under which the department shall, for
26 any owner, volunteer, applicant, or employee of any kind, including contractors, of
27 an early learning center or an applicant or employee of the department in a position
28 whose duties include the performance of licensing inspections:

29 * * *

(b) Request information from the Department of Children and Family Services as to whether the person is listed on the state central registry as a perpetrator for a ~~justified~~ **substantiated** finding of abuse or neglect of a child.

* * *

§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~~ **child to staff** 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. **The department shall publish all violations of this Paragraph on its website.**

* * *

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

A.(1) No person who has been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C), whose name is recorded on the state registry within the Department of Children and Family Services as a perpetrator for a ~~justified~~ **substantiated** finding of abuse or neglect of a child, whose name is on any other state's child abuse and neglect registry or repository, whose name is on the Louisiana Sex Offender and Child Predator Registry, whose name is on any other state's sex offender registry, or whose name is on the National Crime Information Center's National Sex Offender Registry may be a registered family child care provider, be

1 employed in the residence or on the property of the residence where the care is
2 provided by the registered family child care provider, or live in the residence where
3 care is provided by the registered family child care provider. The cost of any
4 criminal background check which may be required by the department as proof of
5 compliance with this Subsection shall be the responsibility of the family child care
6 provider.

7 (2) No person who has been convicted of or pled nolo contendere to a crime
8 listed in R.S. 15:587.1(C), whose name is recorded on the state registry within the
9 Department of Children and Family Services as a perpetrator for a ~~justified~~
10 **substantiated** finding of abuse or neglect of a child, whose name is on any other
11 state's child abuse and neglect registry or repository, whose name is on the Louisiana
12 Sex Offender and Child Predator Registry, whose name is on any other state's sex
13 offender registry, or whose name is on the National Crime Information Center's
14 National Sex Offender Registry may be a registered in-home child care provider, be
15 an adult employed in the home or on the property of the home where care is provided
16 by the registered in-home child care provider, or be any adult living in the home
17 where care is provided by the registered in-home child care provider who is not a
18 caregiver. For the purposes of this Paragraph, the term "caregiver" shall mean any
19 person legally obligated to provide or secure care for a child, including a parent,
20 legal custodian, foster home parent, or other person providing a residence for the
21 child. The cost of any criminal background check which may be required by the
22 department as proof of compliance with this Subsection shall be the responsibility
23 of the in-home provider.

24 * * *

25 §443. Discipline of teachers; procedure; right of review

26 * * *

27 B.(1) A teacher with tenure shall not be disciplined except upon written and
28 signed charges by the superintendent or his designee of poor performance, willful
29 neglect of duty, incompetency, dishonesty, immorality, or of being a member of or

1 contributing to any group, organization, movement, or corporation that is by law or
2 injunction prohibited from operating in the state of Louisiana, and then only if
3 furnished with a copy of such written charges and given the opportunity to respond.
4 The teacher shall have ten calendar days from written notice of the charges to
5 respond, in person or in writing. Following review of the teacher's response, the
6 superintendent may take interim disciplinary action, which may include placing the
7 teacher on administrative leave. The teacher shall not be placed on administrative
8 leave without pay unless the teacher has been arrested for a violation of any of the
9 following: R.S. 14:42 through 43.5, 80 through 81.5, any other sexual offense
10 affecting minors, any of the crimes provided in R.S. 15:587.1, or any ~~justified~~
11 **substantiated** complaint of child abuse or neglect on file in the central registry
12 pursuant to Children's Code Article 615. Within ten calendar days after written
13 notice of the interim disciplinary action or within ten calendar days after receipt of
14 the teacher's response if no interim disciplinary action is taken, a teacher may request
15 a hearing before a disciplinary hearing officer. If the teacher fails to timely request
16 a hearing, the disciplinary action becomes final.

17 * * *

18 §493. Removal of bus operators; procedures; right to appeal

19 * * *

20 C.(1) The superintendent shall have ten calendar days to review the school
21 bus operator's response and to provide written notice to the bus operator of the
22 interim disciplinary action, if any. A superintendent may take interim disciplinary
23 action, which may include placing the bus operator on administrative leave. A
24 permanent bus operator shall not be placed on administrative leave without pay
25 unless the bus operator has been arrested for a violation of the following: R.S. 14:42
26 through 43.5, 80 through 81.5, any other sexual offense affecting minors, any of the
27 crimes provided in R.S. 15:587.1, or any ~~justified~~ **substantiated** complaint of child
28 abuse or neglect on file in the central registry pursuant to Children's Code Article
29 615.

* * *

§3996. Charter schools; exemptions; requirements

* * *

B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

* * *

(28) Reporting by a school employee employed by the governing authority of a public elementary or secondary school of his arrest for one or more of the specified offenses relative to sexual morality affecting minors, R.S. 17:16, any of the crimes provided in R.S. 15:587.1, or any ~~justified complaint~~ **substantiated allegation** of child abuse or neglect on file in the central registry pursuant to Article 615 of the Children's Code.

* * *

(82) Child health and safety minimum standards, R.S. 17:407.41.

* * *

Section 4. R.S. 24:525(D) is hereby amended and reenacted to read as follows:

§525. State child ombudsman; duties

* * *

D.(1) Any state agency having responsibility for the custody or care of children shall provide monthly notice to the state child ombudsman of the death of a child in its custody or care.

(2) The Department of Children and Family Services shall notify the state child ombudsman within seventy-two hours of receiving information on the death of any child that had been reported to the department for alleged

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

1 §51.2. Criminal history and central registry information

2 A.(1) No person shall be hired by the department whose duties include the
3 investigation of child abuse or neglect, supervisory or disciplinary authority over
4 children, direct care of a child, or performance of licensing surveys, until both the
5 following conditions are met:

6 * * *

7 (b) The department has conducted a search of the state central registry of
8 ~~justified~~ **substantiated** abuse or neglect, hereafter referred to as "central registry",
9 reports and has determined that the individual's name is not recorded therein. The
10 search shall be limited to those names recorded on the state central registry
11 subsequent to January 1, 2010. If the individual's name is or was entered on the state
12 central registry that individual may make a formal written request to the division of
13 administrative law for an administrative appeal of the ~~justified~~ **substantiated**
14 determination, in accordance with Children's Code Article 616.1.1 and the
15 procedures promulgated by the department.

16 * * *

17 §56. Applications and client case records; definitions; confidentiality; waiver;
18 penalty

19 * * *

20 F. The following information shall not be subject to waiver and shall not be
21 released to applicants, recipients, or outside sources, except those outside sources
22 engaged in the administration of the programs of the department or when specifically
23 authorized by law:

24 (1) Records pertaining to foster care of children, investigations of abuse and
25 neglect of children, and other child welfare services. For the purposes of this
26 Paragraph, case records of children in abuse and neglect and foster care cases may
27 be reviewed by attorneys who are appointed by a court of juvenile jurisdiction to
28 represent the sole interest of the children, and pursuant to court order, such case
29 records may be reviewed by court-appointed special advocates appointed pursuant

1 to Children's Code Article ~~424(D)~~ **424.1**. Prior to a court hearing, the department
2 may provide to such attorneys and court-appointed special advocates copies of the
3 most recent case plan for the child and his family, the most recent court order and
4 court report, and the child's most recent medical report. Additionally, pursuant to
5 Children's Code Article 616, a judge of a court exercising juvenile jurisdiction may
6 request, in writing to the department, central registry record checks. However, in no
7 instance shall the name or identifying information regarding a complainant in neglect
8 and abuse cases or the case records of the foster parents be subject to such review.
9 The department may, however, provide foster parents all information from the
10 department's records and from other records to which the department has access
11 concerning a child in the foster home, and concerning the child's family, where such
12 information is necessary for the foster parents to properly care for the child. The
13 department may also provide surrogate parents representing the special education
14 interests of children in the department's custody with all information from the
15 department's records and from other records to which the department has access
16 where such information is necessary for the surrogate parents to properly advocate
17 for the children. In any child custody proceeding, after the issue has been raised of
18 the potential existence of a relevant departmental record concerning the abuse or
19 neglect of a child who is the subject of that proceeding, the judge may contact the
20 local child protection unit to determine if such a record exists. If ~~a determination has~~
21 ~~been made that such report appears justified~~ **the department has a substantiated**
22 **report** pursuant to Children's Code Article 615(B)(1) through (3), the local child
23 protection unit shall verbally advise the judge that such report is in the possession
24 of the unit. If the court finds that information which may be contained in the report
25 is necessary for an issue before the court, the court may order the release of such
26 information. If ~~a determination was made that such~~ **the** report was **unsubstantiated**
27 ~~unjustified or inherently improbable~~, such records shall be sealed and accessible only
28 pursuant to Children's Code Article ~~616(A)(2)~~ **615**.

29 * * *

1 (4)

2 * * *

3 (c) Following any investigation by the department of a public or private day
4 care center, registered family child day care home, or residential provider, the
5 department may inform the parent or guardian of any child being cared for at the
6 center, home, or residence or the parent or guardian of any child who has applied for
7 placement in the center, home, or residence of a ~~valid~~ **substantiated** finding of child
8 abuse, neglect, or exploitation occurring at the center, home, or residence upon the
9 request of the parent or legal guardian. The department may also advise such parent
10 or legal guardian of a ~~valid~~ **substantiated** finding when it becomes necessary for the
11 department to take adverse action against a center, home, or facility in the interest
12 of the safety and welfare of the children. The department may release to the
13 Department of Education limited information concerning a ~~valid~~ **substantiated**
14 finding of child abuse, neglect, or exploitation occurring at a family child day care
15 home that is registered by that department. These circumstances shall constitute
16 authorized disclosures under the provisions of R.S. 14:403(A)(2).

17 * * *

18 (10)

19 * * *

20 (b) The information disclosed pursuant to this Paragraph shall be limited to
21 the following:

22 (i) Whether or not the department has a **substantiated** report, ~~which has been~~
23 ~~determined to be justified~~ pursuant to Children's Code Article 615, in its possession
24 concerning the child or person who is the subject of the information request.

25 * * *

26 (11) Upon written request of a caregiver, the department shall disclose
27 limited information contained in child abuse or neglect records or reports to an
28 employer or prospective employer of a person who will be exercising supervisory
29 authority over that employer's minor children or other dependent person as part of

1 that person's employment as a caregiver. The information disclosed pursuant to this
2 Paragraph shall be limited to cases in which the department has determined that the
3 allegations from which such information has been developed are ~~justified~~
4 **substantiated** pursuant to Children's Code Article 615. The provisions of this
5 Paragraph shall not be interpreted to authorize the release of or access to any
6 information protected under federal law.

7 * * *

8 §1414.1. State central registry

9 A. Any owner, operator, current or prospective employee, or volunteer of a
10 specialized provider requesting licensure or licensed by the Department of Children
11 and Family Services is prohibited from being employed by the specialized provider
12 if that individual's name is recorded on the state central registry as a perpetrator for
13 a ~~justified~~ **substantiated** finding of abuse or neglect of a child.

14 * * *

15 Section 7. Children's Code Art. 116(2.1) and (2.2), 603(4)(a) and (17)(d), 603.1(B),
16 610(A), (E)(1) and (2), and (H), 612(A)(3), 615(B)(2), (3), and (5), the introductory
17 paragraph of 615(E) and 615(E)(1) and (4)(a) and (F), 616(B), the introductory paragraph
18 of 616(D), 616(E) and (H), and 616.1.1(A) are hereby amended and reenacted and Children's
19 Code Art. 603(17)(l) through (o) and 610(I) are hereby enacted to read as follows:

20 Art. 116. Definitions

21 Except where the context clearly indicates otherwise, these definitions apply
22 for the following terms used throughout this Code.

23 * * *

24 (2.1) "CASA program" means a court-appointed special advocate program
25 established in compliance with ~~National~~ **Louisiana** CASA Association standards.

26 (2.2) "CASA volunteer" means a court-appointed special advocate who has
27 been trained in accordance with ~~National~~ **Louisiana** CASA Association standards
28 and is under the supervision of a CASA program.

29 * * *

1 Art. 603. Definitions

2 As used in this Title:

3 * * *

4 (4)(a) "Caretaker" means any person legally obligated to provide or secure
5 adequate care for a child, including a parent, tutor, guardian, legal custodian, foster
6 ~~home parent, an employee or an operator of an early learning center as defined in~~
7 ~~R.S. 17:407.33, an operator or employee of a registered family child day care home,~~
8 an operator or employee of a **residential or treatment facility licensed by the**
9 **Department of Children and Family Services or the Louisiana Department of**
10 **Health** ~~restrictive care facility~~, or other person providing a residence for the child.

11 ~~"Caretaker" also means an adult who occupies a residence of a child and has a~~
12 ~~consistent and continuing responsibility for the care of a child. "Caretaker" shall not~~
13 ~~include an operator or employee of a correctional facility, detention facility, or~~
14 ~~nonresidential school, or unlicensed residential or child care provider.~~

15 * * *

16 (17) "Mandatory reporter" is any of the following individuals:

17 * * *

18 (d) "Teaching or child care provider" is any person who provides or assists
19 in the teaching, training, and supervision of a child, including any public or private
20 teacher, teacher's aide, instructional aide, school principal, school staff member,
21 school resource officer, bus driver, coach, professor, technical or vocational
22 instructor, technical or vocational school staff member, college or university
23 administrator, college or university staff member, social worker, ~~probation officer,~~
24 ~~foster home parent, group home or other child care institutional staff member,~~
25 ~~personnel of residential home facilities,~~ **an employee or an operator of an early**
26 **learning center as defined in R.S. 17:407.33, an operator or employee of a**
27 **registered family child day care home,** a licensed or unlicensed day care provider,
28 or any individual who provides these services to a child in a voluntary or
29 professional capacity.

* * *

(l) A foster parent.

(m) A group home or other institutional child care staff member or personnel of residential home facilities.

(n) A probation officer.

(o) Any employee of the office of juvenile justice or the Department of Children and Family Services, whose duties include supervisory or disciplinary authority over children.

* * *

Art. 603.1. Required education; reporting child abuse

* * *

B. Teaching or child care providers as defined by Article 603 shall complete an online training course provided by the Department of Children and Family Services between June first and August thirty-first annually. A record of completion of the course by the teaching or child care provider shall be provided to ~~and retained by~~ each entity at which the teaching or child care provider is employed. ~~The entity at which the teaching or child care provider is employed shall retain a list of all teaching or child care providers who have not complied with the training requirements provided in this Article.~~ **No later than September thirtieth of each year and in a manner prescribed by the state Department of Education each entity at which a teaching or child care provider is employed shall submit a list to the state Department of Education of all teaching and child care providers employed by the entity and identify the employees that have complied with the training requirements and those employees that have not complied. The state Department of Education shall publish the completion rates for each entity on its website.**

* * *

Art. 610. Reporting procedure; reports to the legislature and the United States

Department of Defense Family Advocacy Program

1 A.~~(1)~~ A reporter shall immediately report suspected child abuse or neglect or
2 that child abuse or neglect was a contributing factor in a child's death in the
3 following ways:

4 ~~(a)~~**(1)** To the Department of Children and Family Services if the reporter has
5 reason to believe that the perpetrator is a **any of the following:**

6 **(a) A parent or caretaker as defined in Article 603,**~~a~~

7 **(b) A person who maintains an interpersonal dating or engagement**
8 **relationship with the parent or caretaker,**~~or a~~

9 **(c) A person living in the same residence with as the parent or caretaker,**~~as~~
10 **a spouse whether married or not.**

11 **(d) A person living in the same residence as the child, or any residence**
12 **of the child if the child has more than one residence.**

13 **(e) An employee or an operator of an early learning center as defined in**
14 **R.S. 17:407.33.**

15 **(f) An operator or employee of a registered family child day care home.**

16 **(g) Another child residing in the same residence for cases of suspected**
17 **sexual abuse.**

18 **(h) Indeterminable by the mandatory reporter, but the reporter suspects**
19 **that the abuse occurred at the child's residence.**

20 ~~(b)~~**(2)** To a local or state law enforcement agency if the reporter has reason
21 to believe that the **perpetrator is any of the following:** ~~abuse or neglect is being~~
22 ~~perpetrated by someone other than the individuals provided for in Subsubparagraph~~
23 ~~(a) of this Subparagraph. Abuse or neglect perpetrated on a student by a teaching or~~
24 ~~child care provider, as defined by Article 603, shall be immediately reported to local~~
25 ~~or state law enforcement,~~

26 **(a) A person other than a person provided for in Subparagraph (1) of**
27 **this Paragraph.**

28 **(b) A teacher, instructor, administrator, staff person, school bus driver,**
29 **teacher aide, paraprofessional, food service worker, or employee of any public**

1 or private elementary, secondary, vocational-technical training, special, or
2 postsecondary school, city, parish, or other local public school board, if the
3 abuse or neglect is perpetrated on a student.

4 (c) Another child that does not reside in the same residence for cases of
5 suspected sexual abuse.

6 ~~(e)~~(3) Dual reporting to both the department and the local or state law
7 enforcement agency is permitted. However, the agency who receives a report
8 pursuant to Subparagraph (1) or (2) of this Paragraph shall be the agency
9 responsible for accepting and acting on the report and shall ensure referral to
10 other agencies as necessary.

11 ~~(2)~~(4) Reports to the department shall be made as follows:

12 (a) A mandatory reporter shall make a report of suspected abuse or neglect
13 requiring immediate assistance via the designated state child protection reporting
14 hotline telephone number. A report of suspected abuse or neglect which is of a
15 nonemergency nature may be reported via the Louisiana Department of Children and
16 Family Services Mandated Reporter Portal online. Reports may also be made in
17 person at any child welfare office.

18 (b) If a report involves alleged sex trafficking, all mandatory reporters shall
19 report via the hotline telephone number to the department regardless of whether there
20 is alleged parental or caretaker culpability.

21 (c) A permitted reporter shall make a report through the designated state child
22 protection reporting hotline telephone number or in person at any child welfare
23 office.

24 ~~(3)~~(5) If a mandatory reporter is prohibited from immediately making the
25 report required by this Chapter to the department or local or state law enforcement
26 because of an employer's policies or employee manual, the mandatory reporter shall
27 file a complaint with local or state law enforcement. Local or state law enforcement
28 shall investigate the complaint, and an employer violating this Chapter shall be
29 subject to the penalties provided for in R.S. 14:131.1 and 403. An employer shall not

1 discriminate or retaliate against an employee who is a mandatory reporter for
2 complying with this Article. If an employer is found discriminating or retaliating
3 against an employee for complying with this Article, the employer shall be subject
4 to double the fines provided for in R.S. 14:131.1 and 403.

5 ~~(4)~~(6) In an investigation of a report of abuse or neglect allegedly committed
6 by a parent or caretaker, the department shall determine whether the person is an
7 active duty member of the United States Armed Forces or the spouse of a member
8 on active duty. If the department determines that the person is an active duty member
9 of the United States Armed Forces or the spouse of a member on active duty, the
10 department shall notify the United States Department of Defense Family Advocacy
11 Program at the closest active duty military installation of the investigation.

12 * * *

13 E.(1) All reports made to any local or state law enforcement agency involving
14 abuse or neglect in which ~~the child's parent or caretaker, a person who maintains an~~
15 ~~interpersonal dating or engagement relationship with the parent or caretaker, or a~~
16 ~~person living in the same residence with the parent or caretaker as a spouse whether~~
17 ~~married or not, an individual provided for in Subparagraph (A)(1) of this Article~~
18 ~~is believed responsible shall be promptly communicated~~ **reported** to the department
19 **within twenty-four hours in accordance with Paragraph A of this Article.**
20 ~~through the designated state child protection reporting hotline telephone number in~~
21 ~~accordance with a written working agreement developed between the local law~~
22 ~~enforcement agency and the department.~~

23 (2) The department shall promptly communicate **All reports made to the**
24 **department involving** abuse or neglect ~~cases not involving a parent, caretaker, or~~
25 ~~occupant of the household~~ **in which someone other than the individuals provided**
26 **for in Subparagraph (A)(1) of this Article is believed responsible shall be**
27 **reported** to the appropriate law enforcement agency **within twenty-four hours by**
28 **telephone** ~~in accordance with a written working agreement developed between the~~
29 ~~department and law enforcement agency. The department also shall report all cases~~

1 of child death which involve a suspicion of abuse or neglect as a contributing factor
2 in the child's death to the local and state law enforcement agencies, the office of the
3 district attorney, and the coroner.

4 * * *

5 **H.(1) All instances of alleged child abuse that occur in a school setting**
6 **shall be immediately reported to the child's parent or legal guardian and to**
7 **local or state law enforcement, regardless of the alleged perpetrator.**

8 **(2) If more than one child is involved in the allegations, the school shall**
9 **immediately report to the parent or legal guardian of all involved children.**

10 **(3) Law enforcement shall begin an investigation of the allegations within**
11 **forty-eight hours of receiving the report.**

12 **(4) If more than one child is involved in the allegations, law enforcement**
13 **shall interview the parent or legal guardian of all children involved.**

14 **(5) Any sexual abuse cases in which the alleged perpetrator is a child**
15 **shall be referred to the Department of Children and Family Services. The**
16 **department shall assess the family of the child victim and the alleged child**
17 **perpetrator to ensure child safety and well-being in accordance with Children's**
18 **Code Article 612(A)(3).**

19 **(6) For purposes of this Article, the following definitions shall apply:**

20 **(a) "School setting" means in a school building, on school grounds, in**
21 **school vehicles, or at any activities sponsored by a school.**

22 **(b) "Sexual abuse" means the perpetration or attempted perpetration of**
23 **R.S. 14:41, 42, 42.1, 43, 43.1, 43.2, 43.3, 43.4, 80, 81, 81.1, 81.2, 86, 89, or 89.1.**

24 ~~H.I.~~(1) The provisions of this Paragraph shall be known and may be cited as
25 The Alfred C. Williams Child Protection Act.

26 (2) Beginning May 1, 2017, and annually thereafter, the department shall
27 provide to the legislature the following child-specific information regarding reports
28 of child abuse or neglect reported to the department pursuant to the provisions of this
29 Article:

(a) The actual or estimated age, the sex, and the race of each child at the time the latest report was received.

(b) The parish location of primary case name of the latest report accepted for investigation received.

(c) The categories, levels, and final findings assigned to each allegation contained in reports received for each child.

(d) The number of cases accepted for investigation in which the child was an alleged or ~~valid~~ victim during the report year.

(e) The number of cases accepted for investigation in which the child was a ~~valid~~ **substantiated** victim during the report year.

(f) The number of reports accepted for investigation prior to report year in which the child was an alleged or ~~valid~~ **substantiated** victim.

(g) The number of other alleged victims in reports accepted for investigation in each child's cases prior to report year.

(h) The number of reports accepted for investigation prior to the report year in which the child was a ~~valid~~ **substantiated** victim.

(i) The number of other ~~validated~~ **substantiated** victims in reports accepted for investigation in each child's cases prior to report year.

(j) The number of distinct reporter names for all investigations in which the child is an alleged or ~~valid~~ **substantiated** victim.

(3) For purposes of this Paragraph, the following words shall have the following meanings:

(a) "Alleged victim" includes a child who is the subject of an investigation and for whom there is an allegation of abuse or neglect.

(b) "~~Valid~~ **Substantiated** victim" or "~~validated victim~~" includes an alleged victim for whom one or more allegations of abuse or neglect have been ~~determined to be justified~~ **substantiated** pursuant to Article 615.

* * *

Art. 612. Assignment of reports for investigation and assessment

1 A.

2 * * *

3 (3) In lieu of an investigation, reports of low levels of risk and reports from
4 law enforcement of child sexual abuse as provided for in Children's Code
5 Article 610, may be assessed promptly through interviews with the family to identify
6 needs and available match to community resources. If during this assessment, it is
7 determined that a child is at immediate substantial risk of harm, the local child
8 protection unit shall promptly conduct or participate in an intensive investigation.

9 * * *

10 Art. 615. Disposition of reports

11 * * *

12 B. After investigation, the local child protection unit shall make one of the
13 following determinations:

14 * * *

15 (2) The report ~~appears to be justified~~ is substantiated, in that there is
16 evidence of child abuse, or neglect, and a protective order or instanter safety plan
17 order would eliminate the need for removal of the child in order to protect him from
18 further abuse, in which case it may apply for a temporary restraining order or
19 protective order authorized by Article 617 and Article 618, or an instanter safety plan
20 order authorized by Article 619 or Article 620.

21 (3) The report ~~appears to be justified~~ is substantiated, in that there is
22 evidence of child abuse or neglect, in which case it shall report all pertinent
23 information to the district attorney, as soon as possible but in no case more than
24 thirty days after such determination, for evaluation of whether a child in need of care
25 petition should be filed in the court with juvenile jurisdiction.

26 * * *

27 (5) The report ~~does not appear justified~~ is unsubstantiated as the evidence
28 does not support a finding of child abuse or neglect.

29 * * *

1 E. When after the investigation of a report, the determination is made that the
2 report is inconclusive or ~~not justified~~ **unsubstantiated**, as provided in Subparagraphs
3 (B)(4) and (5) of this Article, the files, records, and pertinent information regarding
4 the report and investigation shall be strictly confidential, shall not become part of the
5 central registry except as otherwise provided in Subparagraph (1) of this Paragraph
6 or in Article 616(F), shall not be disclosed or ordered to be produced in conjunction
7 with any legal proceeding or other matter except as provided in Subparagraph (4) of
8 this Paragraph, and shall be maintained only for the following purposes:

9 (1) The files, records, and information shall remain unsealed and shall be
10 maintained for the exclusive use of child protective services, to assist in future risk
11 and safety assessments. The Department of Children and Family Services shall
12 maintain all files and records for seven years from the date of the determination,
13 unless a subsequent inconclusive or ~~not justified~~ **unsubstantiated** report is received
14 during that period. In that case, information from all such reports will be maintained
15 until the youngest child in the alleged victim's family attains the age of eighteen
16 years or seven years from the date of the latest determination, whichever is longer.
17 If information from an inconclusive or ~~not justified~~ **unsubstantiated** report is used
18 as a part of the basis for a later, related, and ~~justified~~ **substantiated** report, the earlier
19 report shall become part of the file of the ~~justified~~ **substantiated** report and shall
20 cease to be a separate report.

21 * * *

22 (4)(a) All files, records, and information regarding a report that has been
23 determined to be inconclusive or ~~not justified~~ **unsubstantiated** shall be released to
24 local, state, and federal law enforcement agencies, military authorities, prosecuting
25 authorities, and coroners upon request when such entity is in the course of
26 investigations or legal proceedings and the requesting entity has good cause to
27 believe that the files, records, or information contain information which may be
28 constitutionally required to be disclosed pursuant to Brady v. Maryland, 373 U.S. 83
29 (1963) and its progeny. The requesting agency shall request the information in

1 writing and state the purpose for which the information is being requested.

2 * * *

3 F. The department shall promulgate rules to provide for the disposition,
4 handling, maintenance, and storage of inconclusive and ~~not justified~~
5 **unsubstantiated** reports in keeping with this Article. **Nothing in this Section shall**
6 **be construed to modify or abrogate the provisions of R.S. 44:411.**

7 * * *

8 Art. 616. Registry; screening of CASA volunteers, staff, and board members;
9 confidentiality

10 * * *

11 B. Within the state repository, the department shall maintain a state central
12 registry of certain ~~justified~~ **substantiated** reports of abuse and neglect as set forth
13 in rules promulgated by the department. The name of an individual who was placed
14 on the state central registry as a perpetrator of abuse or neglect prior to the effective
15 date of Children's Code Article 616.1.1 shall not be released outside of the
16 department until that individual's administrative appeals are exhausted. After the
17 effective date of Children's Code Article 616.1.1, the name of an individual who is
18 determined to be a perpetrator of abuse or neglect shall not be placed on the state
19 central registry until that individual's administrative appeals are exhausted. All
20 decisions rendered by an administrative law judge are final, and the decisions shall
21 exhaust the individual's administrative remedy. However, notwithstanding any other
22 provision of law, the department shall provide information involving an investigation
23 from either the repository or the state central registry immediately to the local district
24 attorney's office, or its designee, or to the court, when taking court action is
25 necessary to protect the child from abuse or neglect. The department shall provide
26 information involving an open investigation or a completed investigation determined
27 to be ~~justified~~ **substantiated** from either the repository or the state central registry
28 to another state's child welfare agency upon written request when the request is made
29 pursuant to an ongoing child protective services investigation in the other state.

D. Upon the written request of the court during its evaluation of any of the following individuals who will have contact with children served by the court-appointed special advocate program, and with the consent of the individual, the department shall search the central registry and report to the court any **justified substantiated** report of abuse or neglect alleging that the individual is a perpetrator:

E. When, after an investigation, the determination is made by the department that the report does appear to be ~~justified~~ **substantiated**, any subsequent adjudication by a court exercising juvenile jurisdiction which dismisses the child in need of care petition involving this report shall be added to the central registry.

H. The department may charge a fee, that shall not exceed twenty-five dollars, to conduct a search of the state central registry of ~~justified~~ **substantiated** abuse or neglect reports to determine whether an individual's name is recorded therein. A search shall be allowed only when specifically authorized. **The fee shall not apply to searches for school employees conducted pursuant to R.S. 17:15.**

Art. 616.1.1. Appeal and review; correction of central registry entries; procedure

A. When a report alleging abuse or neglect is ~~determined to be justified~~ **substantiated** by the department, the individual who is or was the subject of the determination may make a formal written request to the division of administrative law for an administrative appeal of the ~~justified~~ **substantiated** determination, in accordance with the procedures set forth in Title 67 of the Louisiana Administrative Code.

Section 8. Civil Code Art. 2315.12 is hereby enacted to read as follows:

Art. 2315.12. Liability for damages caused by child sexual abuse in a school setting

Any parent or guardian of a child who is the victim of sexual abuse in a school setting as defined in Children's Code Article 610 may be awarded damages including but not limited to medical expenses incurred as a result of the sexual abuse, behavioral health expenses incurred as a result of the sexual abuse, reimbursement of any tuition paid for attendance at the school if the child is removed from the school, and any other damages allowed by law.

Section 9.(A) This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

(B) The state central registry checks for all school employee applicants required by this Act shall apply to any person hired on or after August 1, 2025.

(C) All early learning centers and prekindergarten programs shall be in compliance with the child safety and welfare minimum standards provided for in R.S. 17:407.41 no later than October 1, 2025.

(D) All prekindergarten programs requiring licensure as an early learning center pursuant to this Act shall apply for licensure no later than January 1, 2026.

(E) The mandatory reporter training report provided for in Children's Code Article 603.1 shall be submitted to the Department of Education beginning with the 2026-2027 school year.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 41 Re-Reengrossed

2025 Regular Session

Barrow

School Employee Background Checks - State Central Registry

Present law prohibits any person convicted of or who has pled guilty or nolo contendere to certain crimes from owning, operating, or participating in the governance of an early learning center, residential home, or a residence where in-home child care is provided.

Proposed law extends the prohibition to any person whose name has been recorded on the

Dept. of Children and Family Services' state central registry.

Present law prohibits schools from employing individuals that have been convicted of or pled nolo contendere to certain crimes.

Proposed law additionally prohibits schools from employing an individual whose name is recorded on the Dept. of Children and Family Services' state central registry after August 1, 2018.

Present law authorizes the Dept. of Children and Family Services to collect a \$25 fee for registry searches. Proposed law exempts school employees from the fee.

Present law lists murder, manslaughter, feticide, rape, sexual battery, female genital mutilation, intentional exposure to HIV, kidnapping, crimes involving juveniles, crimes involving a child sex doll, prostitution, crimes against nature, cruelty to persons with infirmities, crimes of violence, and other sex offenses as offenses that would prohibit employment at a school, early learning center, or other positions that include supervision of children.

Proposed law adds additional human trafficking offenses and sexual battery of persons with infirmities to the list of offenses that would prohibit employment at a school, early learning center, or other positions that include supervision of children.

Early Learning Centers

Present law defines "early learning center" as any child day care center, Early Head Start Center, Head Start Center, or stand-alone prekindergarten program not attached to a school.

Proposed law removes the exemption for nonpublic prekindergarten programs that are attached to a school and requires all nonpublic prekindergarten programs to be licensed by the Dept. of Education, subject to the appropriation of funds by the legislature.

Proposed law establishes child safety and welfare minimum standards and requires all public, nonpublic, and charter school prekindergarten programs to comply with the minimum standards, subject to the appropriation of funds by the legislature.

Present law provides for penalties for early learning center violations regarding supervision, criminal history record checks, the state central registry disclosure form, staff-to-child ratios, motor vehicle checks, and failure to report critical incidents.

Proposed law requires the Dept. of Education to publish those violations on its website.

Child Abuse and Neglect Reporting and Investigations

Present law requires teaching or child care providers to complete an annual online mandatory reporter training course and send a record of completion to the school or early learning center at which the teaching or child care provider is employed.

Proposed law requires all schools and early learning centers to annually report all employees that have and have not completed mandatory reporter training to the Dept. of Education and requires the department to post each entity's completion rates, beginning with the 2026-2027 school year.

Proposed law adds certain Dept. of Children and Family Services and office of juvenile justice employees to the list of mandatory reporters.

Proposed law amends the definitions of "caretaker", "CASA program", "CASA volunteer", "mandatory reporter", and "teaching or child care provider" in the Children's Code.

Proposed law provides for agency responsibility for accepting and responding to reports of child abuse and neglect.

Proposed law provides for agency responsibility for sexual abuse cases in which the perpetrator is a child. Provides that the Dept. of Children and Family Services is responsible for cases where the child perpetrator lives with the child victim and law enforcement is responsible for all other cases involving a child perpetrator.

Proposed law establishes requirements for reporting cases between the Dept. of Children and Family Services and law enforcement.

Proposed law establishes requirements for law enforcement to respond to reports of child abuse in a school setting and to refer certain cases to the Dept. of Children and Family Services.

Present law requires the state child ombudsman to notify the senator and representative who represent the district in which a child has died as a result of abuse or neglect within 24 hours of his knowledge of the death of the child and requires any state agency having responsibility for the custody or care of children to provide monthly notice to the ombudsman of the death of a child in its custody or care.

Proposed law requires the Dept. of Children and Family Services to notify the state child ombudsman within 72 hours of receiving information on the death of a child that had been reported to the department for alleged child abuse or neglect.

Dept. of Children and Family Services Determinations

Present law requires the Dept. of Children and Family Services to make a determination following an investigation of a report of child abuse or neglect of whether the report was justified, inconclusive, not justified, or false.

Proposed law changes the determination language from "justified" or "unjustified" to "substantiated" or "unsubstantiated".

Present law uses the terms "valid" and "invalid" when referring to justified and unjustified determinations of the Dept. of Children and Family Services.

Proposed law changes the terms "valid" and "invalid" to "substantiated" and "unsubstantiated".

Liability for Sexual Abuse in a School Setting

Proposed law provides that a parent or guardian of a child who is the victim of sexual abuse in a school setting may be awarded damages including medical and behavioral health expenses and reimbursement of tuition paid for attendance at the school if the child is removed from the school.

Proposed law provides for implementation time frames for the various provisions of proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:91.3(A), R.S. 15:587.1(C)(intro para), 587.1(C)(1), and 1110.3(H), R.S. 17:8.7(B)(intro para), 8.7(B)(1), 15(A)(1)(a), (b)(i)(bb) and (cc), and (b)(ii) and (2)(a)(ii)-(v), (D) and (E), 16(A), 24.8(A) and (B)(2), 407.33(5), 407.35(A), 407.42(A)(2) and (B)(1)(b), 407.46(A)(1), 407.71(A), 443(B)(1), 493(C)(1), and 3996(B)(28), R.S. 24:525(D), R.S. 40:2008.10(A)(3) and 2019(F)(3)(b), R.S. 46:51.2(A)(1)(b), 56(F)(1), (4)(c), (10)(b)(i), and (11), and 1414.1(A), Ch.C. Art. 116(2.1) and (2.2), 603(4)(a), (17)(d), 603.1(B), 610(A),

(E)(1) and (2), and (H), 612(A)(3), 615(B)(2), (3), and (5), 615(E)(intro para) and 615(E)(1) and (4)(a) and (F), 616(B), 616(D)(intro para), 616(E) and (H), and 616.1.1(A); adds R.S.17:15(A)(1)(b)(i)(dd) and (2)(a)(vi), 407.41, and 3996(B)(82), Ch. C. Art. 603(17)(l)-(o) and 610(I) and C.C. Art. 2315.12)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Removes requirements for the Dept. of Education to check the state central registry prior to granting educator credentials, teaching authorizations, or certifications.
2. Makes the state central registry checks for school employees applicable to those that are recorded on the registry on or after August 1, 2018, and are hired on or after August 1, 2025.
3. Exempts school employee from payment of the registry search fee.
4. Removes the requirement for the Dept. of Education to post names of applicants that have been convicted of certain crimes or who have been placed on the state central registry on the department's website.
5. Removes changes to the definition of "neglect".
6. For purposes of reporting child abuse perpetrated by another child, limits the reporting requirement to only cases of child sexual abuse.
7. Makes changes to terminology.
8. Adds time frames for agencies to implement proposed law.
9. Makes technical changes.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Add provisions changing the definitions of "CASA program" and "CASA volunteer".
2. Provide that implementation of proposed law provision requiring all nonpublic prekindergarten programs to be licensed by the Dept. of Education is subject to the appropriation of funds by the legislature.
3. Provide that implementation of proposed law provisions establishing child safety and welfare minimum standards are subject to the appropriation of funds by the legislature.
4. Make technical changes.

Senate Floor Amendments to reengrossed bill

1. Change certain requirements relative to child safety and welfare minimum standards for early learning centers and prekindergarten programs.
2. Require the Dept. of Children and Family Services to notify the state child ombudsman within 72 hours of receiving information on the death of a child

that had been reported to the department for alleged child abuse or neglect.

3. Add provision relative to record retention.
4. Make technical changes.