

## SENATE SUMMARY OF HOUSE AMENDMENTS

SB 41

2025 Regular Session

Barrow

## KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

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

## SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Restore provisions of present law to allow people with certain convictions to receive teaching credentials or authorizations, excluding those for offenses listed in present law (R.S. 15:587.1(C)).
2. Provide for child-to-staff ratios for mixed age groups in early learning centers and prekindergarten programs in certain circumstances.
3. Provide for exemptions to early learning center licensure requirements for specified grades and certain schools, camps, and day care.
4. Require the state Department of Education to develop an informational document, specifies what shall be included in the document and the time it shall be provided.
5. Change the time period in which DCFS must notify the state child ombudsman of the death of a child from abuse or neglect from 72 hours to three business days.
6. Remove school resource officer from the definition of teaching or child care provider.
7. Remove the effective upon governor signature provision.
8. Provide that proposed law shall be known and may be cited as "Charlie's Law".
9. Remove requirement that certain provisions are subject to appropriations.
10. Make technical changes.

## DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

SB 41 Re-Reengrossed

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## 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 retains present law and provides exception for conviction of an offense listed in present law (R.S. 15:587.1(C)).

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, except for Montessori schools, camps, and registered family child day care homes.

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.

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

Proposed law requires the Dept. of Education to develop an informational document that contains the child safety and welfare minimum standards, a phone number to file complaints with the state Dept. of Education, a statement notifying the parents and legal guardians that the document is being distributed pursuant to proposed law.

Proposed law provides that the Dept. of Education shall provide the document to each early learning center and prekindergarten program no later than August 1<sup>st</sup> of each year.

Proposed law provides that the document shall be distributed to parents and legal guardians of all children enrolled in an early learning center or prekindergarten program and shall be distributed at the beginning of each school year and may be distributed electronically.

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 three business days 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.

Proposed law provides that proposed law shall be named and may be cited as "Charlie's Law".

(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)