

2026 Regular Session

SENATE BILL NO. 441

BY SENATOR MIZELL

STUDENTS. Provides relative to programs for prekindergarten-aged children. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:11(B), 24.8(A), (B), and (D)(1), 407.33(1) and (5),
3 407.35(A), and 407.41(A), (B)(2) and (3), and (C) and to enact R.S. 17:24.8(E) and
4 407.41(D), (E), and (F), relative to programs for prekindergarten-aged children; to
5 provide for nonpublic and public prekindergarten programs; to provide for approval
6 of nonpublic prekindergarten programs; to provide for child safety and welfare
7 standards; to provide for violations; to provide for camps; to provide for exemptions;
8 to provide for rulemaking; to provide for terms, definitions, conditions, and
9 procedures; to provide for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:11(B), 24.8(A), (B), and (D)(1), 407.33(1) and (5), 407.35(A),
12 407.41(A), (B)(2) and (3), and (C) are hereby amended and reenacted and R.S. 17:24.8(E)
13 and 407.41(D), (E), and (F) are hereby enacted to read as follows:

14 §11. Approval of nonpublic schools by board

15 * * *

16 B.(1) The board shall approve any nonpublic elementary or secondary school
17 which makes application therefor on a form furnished by the board, if such school

1 meets and maintains a sustained curriculum or specialized course of study of quality
2 at least equal to that prescribed for similar public schools.

3 **(2) The board shall approve a prekindergarten program developed by**
4 **a nonpublic school pursuant to R.S. 17:24.8 if the program meets the**
5 **requirements of this Subsection and maintains substantial compliance with the**
6 **child safety and welfare standards provided for in R.S. 17:407.41. In its annual**
7 **application, each nonpublic school shall attest to the prekindergarten program's**
8 **compliance with the child safety and welfare standards.**

9 * * *

10 §24.8. Prekindergarten programs

11 A.(1) Each city, parish, or other local public school board may develop and
12 offer prekindergarten instruction. The youngest age at which a child may enter
13 prekindergarten provided for by this ~~Subsection~~ **Paragraph** shall be four years old
14 by September thirtieth of the year in which the child enrolls in prekindergarten.

15 ~~(2) All public prekindergarten programs shall comply with the child safety~~
16 ~~and welfare minimum standards provided for in R.S. 17:407.41. The governing~~
17 ~~authority of any approved nonpublic elementary school may develop and offer~~
18 ~~prekindergarten instruction. The youngest age at which a child may enter~~
19 ~~prekindergarten provided for by this Paragraph shall be three years old by~~
20 ~~September thirtieth of the year in which the child enrolls in prekindergarten.~~

21 **(3) Any parent who chooses to enroll his child in a prekindergarten**
22 **program authorized pursuant to this Subsection shall sign an acknowledgment**
23 **that the parent is aware of all of the following:**

24 **(a) The prekindergarten program is operated by a school.**

25 **(b) The prekindergarten program is not either of the following:**

26 **(i) Subject to federal daycare regulations pursuant to 45 CFR §98, or its**
27 **successor.**

28 **(ii) Licensed by the department as an early learning center in accordance**
29 **with the provisions of R.S. 17:407.31 et seq.**

1 (c) The monitoring and complaint processes of the state Department of
2 Education for compliance with the child safety and welfare standards.

3 B. All prekindergarten programs shall comply with the child safety and
4 welfare standards provided for in R.S. 17:407.41.

5 (1) ~~The governing authority of any approved nonpublic elementary school~~
6 ~~may develop and offer prekindergarten instruction. The youngest age at which a~~
7 ~~child may enter prekindergarten provided for by this Subsection shall be three years~~
8 ~~old by September thirtieth of the year in which the child enrolls in prekindergarten.~~

9 If a public prekindergarten program demonstrates persistent or egregious
10 noncompliance with the child safety and welfare standards provided for in R.S.
11 17:407.41, a city, parish, or other local public school board shall consider
12 closure of the program or other measures deemed necessary to protect the
13 safety and welfare of prekindergarten children enrolled in the program at a
14 meeting held in accordance with the Open Meetings Law, R.S. 42:11 et seq.

15 (2) ~~All nonpublic prekindergarten programs shall be licensed as an early~~
16 ~~learning center pursuant to Part X-B of this Chapter. Notwithstanding the~~
17 ~~provisions of R.S. 17:11(B)(2), if a nonpublic school operating a~~
18 ~~prekindergarten program demonstrates persistent or egregious noncompliance~~
19 ~~with the child safety and welfare standards provided for in R.S. 17:407.41, the~~
20 ~~department shall make a recommendation to the State Board of Elementary and~~
21 ~~Secondary Education to deny the approval request for a prekindergarten~~
22 ~~program for the subsequent school year unless substantive assurance is~~
23 ~~provided by the school that it will comply with the child safety and welfare~~
24 ~~standards.~~

25 * * *

26 D.(1) Beginning with the 2023-2024 school year, each city, parish, or other
27 local public school board shall work to develop a mixed provider delivery model for
28 full-day, year-round, high-quality prekindergarten instruction to each child residing
29 within the boundaries of the school district who is eligible for a prekindergarten

1 program pursuant to ~~Subsection A~~ **Paragraph (A)(1)** of this Section.

2 * * *

3 **E. The State Board of Elementary and Secondary Education, in**
4 **consultation with the Nonpublic School Commission, shall adopt rules and**
5 **regulations to protect the health and safety of three-year-old children who**
6 **attend prekindergarten at an approved nonpublic elementary school.**

7 * * *

8 §407.33. Definitions

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

11 (1) "Camp" means any place or facility operated by any institution, society,
12 agency, corporation, person or persons, or any other group which **meets any of the**
13 **following:**

14 **(a) serves** ~~Serves~~ only children ~~five~~ **three** years of age or older and operates
15 only when school is not in session during the summer months or school holidays
16 ~~including but not limited to a Vacation Bible School or Bible Camp.~~

17 **(b) Is a tax exempt church or religious organization in accordance with**
18 **26 U.S.C. 501(c) of the Internal Revenue Code that operates a Vacation Bible**
19 **School, Bible Camp, or religious camp for children of any age.**

20 **(c) Operates only an after-school or weekend extracurricular, academic,**
21 **or athletic program, including any competition related to the program, or an**
22 **after-school or weekend tutoring program or other educational or enrichment**
23 **program authorized by this Title.**

24 * * *

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

28 * * *

29 §407.35. Exemptions from licensure requirements

1 school year thereafter, child-to-staff ratios shall not exceed the following:

2 (i) Three years or children enrolled in a school prekindergarten program
 3 for three-year-olds - 13 to 1

4 (ii) Four years or children enrolled in a school prekindergarten program
 5 for four-year-olds - 15 to 1

6 (iii) Five years or children enrolled in a school prekindergarten program
 7 for five-year-olds - 20 to 1

8 (3) An average of the child-to-staff ratios may be applied to mixed age
 9 groups of children ~~only for groups that include no children under the age of two.~~

10 ~~(4) When a mixed age group includes children younger than age two, the age~~
 11 ~~of the youngest child determines the child-to-staff ratio for the group.~~

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

15 ~~(6)~~ Only staff members directly providing care, supervision, or guidance to
 16 children shall be counted in the child-to-staff ratio. The **Except for transitions**
 17 **between activities or classrooms, the** same staff members shall not be used to meet
 18 the ratio requirements for two different groups of children at the same time.

19 ~~(7)~~(5) Sufficient staffing needed to satisfy child-to-staff ratios shall be
 20 present on the premises during rest time and available to assist as needed. Children
 21 ~~ages one and older~~ may be grouped together at rest time with one staff member in
 22 each room supervising the resting children.

23 ~~(8)~~(6) Information regarding required child-to-staff ratios and a phone
 24 number to file complaints regarding supervision with the Department of Education
 25 shall be posted in each classroom in a location that is visible to parents.

26 ~~(9)~~(7) Children shall be supervised at all times including on the playground,
 27 on field trips, and on nonvehicular excursions.

28 ~~(10)~~(8)(a) Children shall not be left alone in any room, outdoors, or in
 29 vehicles, even momentarily, without staff present.

1 (b) The provisions of this Paragraph shall not apply to restroom use as
2 provided in this Section, if a child is being provided services by therapeutic
3 professionals, or if a child is in the custody of a parent or legal guardian.

4 ~~(11)~~**(9)** A staff person shall be assigned to supervise specific children whose
5 names and whereabouts that the staff person shall know and with whom the staff
6 person shall be physically present. Staff shall be able to state how many children are
7 in their care at all times.

8 ~~(12)~~**(10)**(a) A child who is developmentally able may be permitted to use the
9 restroom independently if a staff member is in proximity to and can see the child to
10 ensure immediate intervention to safeguard a child from harm or to assist with an
11 accident while in the restroom.

12 (b) An individual who is not a staff member may not enter the restroom area
13 while in use by any child other than his own child.

14 ~~(13)~~**(11)** A child age five and older may be permitted to go to and return from
15 the restroom without staff.

16 ~~(14)~~**(12)** If a prekindergarten program or early learning center is part of a
17 school with children in kindergarten or older, staff shall ensure that the children
18 enrolled in the prekindergarten program or early learning center are not unsupervised
19 in the restroom at the same time as any older children who are using the restroom.
20 For any facility constructed after January 1, 2026, there shall be designated separate
21 restrooms for the children enrolled in the prekindergarten program or early learning
22 center.

23 ~~(15)~~**(13)** Children shall be changed and cleaned immediately following a
24 toileting accident.

25 B. * * *

26 (2) The state Department of Education shall provide the document to each
27 ~~early learning center and~~ prekindergarten program no later than August first of each
28 year.

29 (3) Each ~~early learning center and~~ public school with a prekindergarten

1 program shall distribute the document to the parents and legal guardians of all
2 children enrolled in an early learning center or prekindergarten program.

3 * * *

4 C. The state Department of Education shall provide written notification to the
5 superintendent of a school district or the governing authority of a nonpublic or
6 charter school for any complaint received by the department regarding a
7 prekindergarten program in the school or district pursuant to this Section.

8 D.(1) The state Department of Education shall conduct monitoring
9 activities for compliance with the child safety and welfare standards as provided
10 in this Section. Monitoring activities shall include an annual unannounced site
11 visit and prompt response to reports of noncompliance with the child safety and
12 welfare standards.

13 (2) Any violation of the child safety and welfare standards provided in
14 this Section shall be documented by the department. The documentation shall
15 include the specific standard violated and any corrective action taken and shall
16 be posted on the corresponding school page of the department's website.

17 (3) The department may issue a written warning to a school, which may
18 include a corrective action plan, for any violation of this Section if the violation
19 does not pose an imminent threat to the health, safety, rights, or welfare of a
20 child.

21 E.(1) A nonpublic school approved by the State Board of Elementary and
22 Secondary Education as an accredited approved school shall be exempt from
23 the provisions of this Section if all of the following conditions apply:

24 (a) The school maintains accreditation in good standing with an
25 accreditation organization recognized by the State Board of Elementary and
26 Secondary Education for the purpose of school approval.

27 (b) The accrediting organization's standards include provisions
28 addressing the supervision, health, safety, and welfare of students enrolled in
29 a prekindergarten program operated by the accredited approved school that

1 meet or exceed the child safety and welfare standards as provided in this
2 Section.

3 (c) The school provides a written attestation to the Louisiana
4 Department of Education, at the time of its annual school approval application,
5 that the accrediting organization's standards meet or exceed the child safety
6 and welfare standards provided for in this Section and provides documentation
7 from the accrediting organization supporting the attestation.

8 (2) A nonpublic school approved by the State Board of Elementary and
9 Secondary Education as a nonaccredited approved school shall be exempt from
10 the provisions of this Section if the nonaccredited approved school is annually
11 certified to be in compliance with the child safety and welfare standards as
12 provided in this Section by an organization recognized by the State Board of
13 Elementary and Secondary Education for monitoring purposes pursuant to this
14 Section.

15 (3) Notwithstanding the provisions of Paragraphs (1) and (2) of this
16 Subsection, if an accredited approved school loses its accreditation as provided
17 in Paragraph (1) of this Subsection or a nonaccredited approved school fails to
18 be certified as provided in Paragraph (2) of this Subsection, the accredited
19 approved school or the nonaccredited approved school shall be subject to the
20 provisions of this Section.

21 F. The State Board of Elementary and Secondary Education shall adopt
22 rules in accordance with the Administrative Procedure Act as necessary to
23 implement the provisions of this Section.

24 Section 2. Notwithstanding any provision of law to the contrary, the State Board of
25 Elementary and Secondary Education may adopt emergency rules in accordance with the
26 Administrative Procedure Act to implement the provisions of this Act.

27 Section 3. This Act shall become effective upon signature by the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, the Act shall become
2 effective on the day following such approval.

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 441 Reengrossed

2026 Regular Session

Mizell

Present law requires the State Board of Elementary and Secondary Education (BESE) to approve any nonpublic elementary school which makes application to the board, if the school meets and maintains a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools. Defines an elementary school as a school composed of any span of grades prekindergarten through grade eight.

Proposed law retains present law.

Proposed law provides for additional requirements for approval of a nonpublic prekindergarten program that is part of a BESE approved elementary school. Requires the prekindergarten program to meet the requirements of present law and maintains substantial compliance with the child safety and welfare standards provided in present law. Requires each school to attest to its compliance with the child safety and welfare standards in its annual application.

Present law provides that the youngest age at which a child may enter a public prekindergarten program is four years old by September 30th of the year in which the child enrolls in prekindergarten, and for a nonpublic prekindergarten, the youngest age at which a child may enter a prekindergarten program is three years old by September 30th of the year in which the child enrolls in the program.

Proposed law retains present law.

Present law defines nonpublic prekindergarten programs as early learning centers (subject to federal daycare regulations), requiring licensing and regulation in accordance with present law.

Proposed law repeals present law.

Proposed law requires any parent who enrolls his child in a prekindergarten program, public or nonpublic, to sign an acknowledgment that the parent is aware that the program is operated by a school and that the program is not licensed as an early learning center and not subject to federal daycare regulations.

Present law provides for child safety and welfare minimum standards.

Proposed law retains present law standards in part, but changes the name of the standards from child safety and welfare minimum standards to child safety and welfare standard.

Proposed law changes the child safety and welfare standards as follows:

- (1) Increases the child-to-staff ratios through the 2026-2027 school year for children ages four and five and provides for child-to-staff ratios for the 2027-2028 school year and subsequent school years.

- (2) Removes references to children under the age of two from the standards and removes the requirement for additional staff for children with special healthcare needs warranting additional care.
- (3) Makes an exception for staffing during transitions between activities.

Proposed law requires all school prekindergarten programs to comply with the child safety and welfare standards. Provides that the Dept. of Education is to monitor activities for compliance with the child safety and welfare standards. Provides for violations of the standards for public and nonpublic prekindergarten programs.

Proposed law provides that public school boards are to consider the closure of public prekindergarten programs with persistent and egregious noncompliance with the standards.

Proposed law provides that the Dept. of Education is to make a recommendation to BESE to close a nonpublic prekindergarten program with persistent and egregious noncompliance with the standards.

Proposed law requires BESE, in consultation with the Nonpublic School Commission, to adopt rules to ensure the health and safety of three-year-old children enrolled in prekindergarten at approved nonpublic elementary schools.

Proposed law provides that certain nonpublic schools approved by the BESE are exempt from the requirements of proposed law as follows:

- (1) Accredited approved schools are exempt if they maintain recognized accreditation, the accrediting standards meet or exceed the child health and safety requirements in proposed law, and the school annually submits a written attestation supporting documentation to the Dept. of Education.
- (2) Nonaccredited, approved schools are exempt if they are annually certified by a BESE-recognized organization as meeting the child health and safety standards in proposed law.
- (3) Provides that any school that loses accreditation or required certification becomes subject to the provisions of proposed law.

Present law defines "camp" as 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. Present law further exempts camps from licensing as an early learning centers (subject to federal daycare regulations) if the children being served by the camp are at least five years old.

Proposed law retains present law and changes the age of children may attend the camp from age five to age three, unless the camp is operated as one of the following:

- (1) Is a tax exempt church or religious organization that operates a Vacation Bible School, Bible Camp, or religious camp for children of any age.
- (2) Is only open after-school or weekend extracurricular, academic, or athletic program.

Proposed law authorizes the BESE to adopt emergency rules to implement proposed law.

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

(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))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Adds exemptions for certain nonpublic schools is they are accredited or certified by BESE.
2. Requires BESE to adopt rules for three-year-olds.
3. Makes technical changes.