

DIGEST

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SB 441 Reengrossed

2026 Regular Session

Mizell

Nonpublic prekindergarten approval

Present law requires the State Bd. of Elementary and Secondary Education to approve a nonpublic elementary or secondary school that applies for approval if it meets and maintains a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools. Proposed law retains present law.

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

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

Prekindergarten programs generally

Present law authorizes local public school boards and the governing authorities of approved nonpublic schools to develop and offer prekindergarten instruction. Proposed law retains present law and adds a requirement that any parent who chooses to enroll his child in either a public or nonpublic prekindergarten program be provided with the information that the program is operated by a school and is not subject to federal daycare requirements or licensed by the state Dept. of Education (DOE) as an early learning center.

Present law requires all public prekindergarten programs to comply with child safety and welfare standards provided for in present law. Proposed law broadens this requirement to apply to all prekindergarten programs.

Present law requires all nonpublic prekindergarten programs to be licensed as early learning centers. Proposed law removes present law and provides that if an approved nonpublic school demonstrates egregious noncompliance with the child welfare and safety standards, DOE shall recommend that BESE deny the approval request for a prekindergarten program for the subsequent school year unless substantive assurance is provided by the school that it will comply with such standards.

Proposed law provides that for a public prekindergarten program with persistent or egregious noncompliance with such standards, a city, parish, or other local public school board shall at a public meeting consider closure of the program or other measures deemed necessary to protect the safety and welfare of children enrolled in the program.

Early learning center licensing

Present law requires that early learning centers be licensed by DOE. Proposed law retains present law. Present law defines "early learning center" as any child day care center, Early Head Start Center, Head Start Center, or nonpublic prekindergarten program. Proposed law revises the definition to remove nonpublic prekindergarten programs and add standalone prekindergartens not attached to a school.

Present law exempts certain entities from the present law early learning center licensing requirements. Proposed law revises these exemptions as follows:

- (1) Present law exempts grades kindergarten and above. Proposed law retains present law.
- (2) Present law exempts prekindergarten programs attached to a public day school. Proposed law instead exempts prekindergarten programs attached to a public or nonpublic day school serving children in grades kindergarten and above.
- (3) Present law exempts La. Montessori accredited or provisionally accredited schools. Proposed law removes this exemption.
- (4) Present law exempts registered family child day care homes and care given without charge. Proposed law additionally exempts mother's day out programs.
- (5) Present law exempts camps. Proposed law retains present law but revises the definition of "camp" as explained further below.

Camps

Present law defines "camp" as any place or facility operated by any institution, society, agency, corporation, person, 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. Proposed law lowers the minimum age of such children from five to three and broadens the definition of camp to also include the following:

- (1) An entity that is a tax-exempt church or religious organization in accordance with federal regulations that operates a vacation Bible school, Bible camp, or religious camp for children of any age.
- (2) An entity operating an after-school or weekend extracurricular, academic, or athletic program, including any competition related to the program, or an after-school or weekend tutoring program or other educational or enrichment program authorized by present law.

Child safety and welfare standards

Present law requires all early learning centers and all prekindergarten programs to meet specified child safety and welfare standards. Proposed law removes the application of present law to early learning centers and specifies that it only applies to school prekindergarten programs. Proposed law retains the standards except for the following revisions relative to child-to-staff ratios:

- (1) Present law requires there to be at least two staff members present at any facility when more than four children are present except under extenuating circumstances. Proposed law retains present law.
- (2) Present law provides for specific child-to-staff ratios. Proposed law instead provides that the child-to-staff ratios be in compliance with those set in rules that the BESE shall adopt for this purpose as follows:
 - (a) Provides that the rules shall provide ratio requirements for prekindergarten students who are three years old, four years old, and five years old in order to provide for their health, safety, and welfare.
 - (b) Provides that both public and nonpublic schools operating prekindergarten programs shall comply with the ratio requirements provided in these rules.
 - (c) Provides that such rules may be waived if BESE determines, upon clear and convincing evidence, that the demonstrated economic impact is sufficiently great to make compliance impractical for the school despite diligent efforts, and that alternative means have been put in place that ensure the health, safety, and well-being of students and staff.

- (3) Present law allows an average of the child-to-staff ratios to be applied to a mixed age groups of children. Proposed law retains present law. Present law limits this authorization to groups that include no children under the age of two. Proposed law removes this limitation.
- (4) Present law provides that when a mixed age group includes children younger than age two, the age of the youngest child determines the child-to-staff ratio for the group and provides that when the nature of a child with special healthcare needs or the number of children with special healthcare needs warrants added care, the center shall add sufficient staff as necessary. Proposed law removes present law.
- (5) Present law provides that only staff members directly providing care, supervision, or guidance to children shall be counted in the child-to-staff ratio and prohibits the same staff members from being used to meet the ratio requirements for two different groups of children at the same time. Proposed law removes present law.
- (6) Present law requires information about ratios and a phone number to file complaints be posted in each classroom. Proposed law retains present law.

Present law requires DOE to develop an informational document on the child safety and welfare standards and provide it to each early learning center and prekindergarten program not later than August first of each year. Further requires each early learning center and school prekindergarten program to distribute the document to parents. Proposed law removes the application of present law to early learning centers.

Present law further requires DOE to provide written notification to a local superintendent for any complaint DOE receives regarding a prekindergarten program. Proposed law also requires such notification to be given to the governing authorities of charter schools and nonpublic schools for complaints about prekindergarten programs at their schools.

Monitoring

Proposed law:

- (1) Requires DOE to conduct monitoring activities for compliance with the standards, including an annual unannounced site visit and prompt response to reports of noncompliance with the standards.
- (2) Requires DOE to document violations of the standards and include the specific standard violated and any corrective action taken, which shall be posted on the corresponding school page of DOE's website.
- (3) Authorizes DOE to issue a written warning to a school, which may include a corrective action plan, for any if the violation does not pose an imminent threat to the health, safety, rights, or welfare of a child.

Proposed law exempts a BESE-approved accredited nonpublic school from proposed law monitoring requirements if all of the following conditions are met:

- (1) The school maintains accreditation in good standing with an accreditation organization recognized by BESE for the purpose of school approval.
- (2) The accrediting organization's standards include provisions addressing the supervision, health, safety, and welfare of students enrolled in a prekindergarten program operated by the school that meet or exceed the standards.
- (3) The school provides a written attestation to DOE at the time of its annual school approval application that the accrediting organization's standards meet or exceed the standards and provides documentation from the accrediting organization supporting the attestation.

Proposed law exempts a BESE-approved, nonaccredited nonpublic school if either of the following conditions is met:

- (1) The school is annually certified to be in compliance with the standards provided for in this Section by an association or organization recognized by BESE for monitoring purposes.
- (2) DOE recommends that approval be granted after an annual review that DOE shall conduct of each such school seeking approval. Provides that the annual review may include site visits and shall include a review, at a minimum, of the health, safety, and welfare of prekindergarten students.

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

Rules

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

Effective upon signature of 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)-(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.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the reengrossed bill:

1. Instead of requiring parents to sign a form acknowledging certain information about prekindergarten programs, require that they be provided with the information.
2. Remove specific child-to-staff ratios and instead require BESE to set ratio requirements in BESE rules.
3. Authorize BESE to waive ratio rules under certain circumstances.
4. Revise conditions under which a BESE-approved, nonaccredited nonpublic school is exempt from monitoring for compliance with child welfare and safety standards.
5. Add that BESE may revoke its approval of a prekindergarten program operated by a nonpublic school at any time if BESE determines that it has jeopardized the health, safety, or welfare of its students.