

SENATE BILL NO. 441

BY SENATOR MIZELL AND REPRESENTATIVE BAYHAM

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

20 (2) The board shall approve a prekindergarten program developed by  
21 a nonpublic school pursuant to R.S. 17:24.8 if the program meets the  
22 requirements of this Subsection and maintains substantial compliance with the  
23 child safety and welfare standards provided for in R.S. 17:407.41. In its annual  
24 application, each nonpublic school shall attest to the prekindergarten program's  
25 compliance with the child safety and welfare standards.

26 \* \* \*

27 §24.8. Prekindergarten programs

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

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

11           **(3) Any parent who chooses to enroll his child in a prekindergarten**  
12 **program authorized pursuant to this Subsection shall be provided the following**  
13 **information:**

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

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

16           **(i) Subject to federal daycare regulations pursuant to 45 CFR 98, or its**  
17 **successor.**

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

20           **(c) The monitoring and complaint processes as provided in R.S.**  
21 **17:407.41 for compliance with the child safety and welfare standards.**

22           **B. Except as otherwise provided by law, all prekindergarten programs**  
23 **shall comply with the child safety and welfare standards provided for in R.S.**  
24 **17:407.41.**

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

29 **If a public prekindergarten program demonstrates persistent or egregious**  
30 **noncompliance with the child safety and welfare standards provided for in R.S.**

1 17:407.41, a city, parish, or other local public school board shall consider  
2 closure of the program or other measures deemed necessary to protect the  
3 safety and welfare of prekindergarten children enrolled in the program at a  
4 meeting held in accordance with the Open Meetings Law, R.S. 42:11 et seq.

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

15 \* \* \*

16 D.(1) Beginning with the 2023-2024 school year, each city, parish, or other  
17 local public school board shall work to develop a mixed provider delivery model for  
18 full-day, year-round, high-quality prekindergarten instruction to each child residing  
19 within the boundaries of the school district who is eligible for a prekindergarten  
20 program pursuant to ~~Subsection A~~ **Paragraph (A)(1)** of this Section.

21 \* \* \*

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

26 \* \* \*

27 §407.33. Definitions

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

30 (1) "Camp" means any place or facility operated by any institution, society,

1 agency, corporation, person or persons, or any other group which meets any of the  
2 following:

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

6 (b) Is a tax exempt church or religious organization in accordance with  
7 26 U.S.C. 501(c) of the Internal Revenue Code that operates a Vacation Bible  
8 School, Bible Camp, or religious camp for children of any age.

9 (c) Operates only an after-school or weekend extracurricular, academic,  
10 or athletic program, including any competition related to the program, or an  
11 after-school or weekend tutoring program or other educational or enrichment  
12 program authorized by this Title.

13 \* \* \*

14 (5) "Early learning center" means any child day care center, Early Head Start  
15 Center, Head Start Center, or ~~nonpublic prekindergarten program~~ stand-alone early  
16 learning program that is not part of an elementary school as defined in R.S.  
17 17:236.

18 \* \* \*

19 §407.35. Exemptions from licensure requirements

20 A. The provisions of this Part shall not apply to grades kindergarten and  
21 above, prekindergarten programs attached to a nonpublic or public day school  
22 servng children in grades kindergarten and above, ~~Louisiana Montessori~~  
23 ~~accredited or provisionally accredited approved schools,~~ camps, registered family  
24 child day care homes, mother's day out programs, and care given without charge.  
25 However, all school prekindergarten programs shall comply with the child safety and  
26 welfare ~~minimum~~ standards provided for in R.S. 17:407.41.

27 \* \* \*

28 §407.41. Child safety and welfare ~~minimum~~ standards

29 A. ~~In addition to regulations promulgated by the State Board of Elementary~~  
30 ~~and Secondary Education pursuant to R.S. 17:407.40,~~ all early learning centers and

1 All school prekindergarten programs established pursuant to R.S. 17:24.8 shall,  
 2 at a minimum, meet the following ~~minimum~~ standards to ensure the safety and  
 3 welfare of children:

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

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

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

9 ~~(b) One year - 7 to 1~~

10 ~~(c) Two years - 10 to 1~~

11 ~~(d) Three years - 13 to 1~~

12 ~~(e) Four years - 15 to 1~~

13 ~~(f) Five years - 19 to 1~~

14 (a) The child-to-staff ratios shall be in compliance with those set in rules  
 15 that the State Board of Elementary and Secondary Education shall adopt for  
 16 this purpose. The rules shall provide ratio requirements for prekindergarten  
 17 students who are three years old, four years old, and five years old in order to  
 18 provide for the health, safety, and welfare of those students. Both public and  
 19 nonpublic schools operating prekindergarten programs shall comply with the  
 20 ratio requirements provided in these rules.

21 (b) The rules may be waived if the state board determines, upon clear  
 22 and convincing evidence, that the demonstrated economic impact is sufficiently  
 23 great to make compliance impractical for the school despite diligent efforts, and  
 24 that alternative means have been put in place that ensure the health, safety, and  
 25 well-being of students and staff.

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

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

30 ~~(5) When the nature of a child with special healthcare needs or the number of~~

1 children with special healthcare needs warrants added care, the center shall add  
2 sufficient staff as necessary.

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

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

11 (8) Information regarding required child-to-staff ratios and a phone number  
12 to file complaints regarding supervision with the Department of Education, **as**  
13 **applicable**, shall be posted in each classroom in a location that is visible to parents.

14 ~~(9)~~**(5)** Children shall be supervised at all times including on the playground,  
15 on field trips, and on nonvehicular excursions.

16 ~~(10)~~**(6)**(a) Children shall not be left alone in any room, outdoors, or in  
17 vehicles, even momentarily, without staff present.

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

21 ~~(11)~~**(7)** A staff person shall be assigned to supervise specific children whose  
22 names and whereabouts that the staff person shall know and with whom the staff  
23 person shall be physically present. Staff shall be able to state how many children are  
24 in their care at all times.

25 ~~(12)~~**(8)**(a) A child who is developmentally able may be permitted to use the  
26 restroom independently if a staff member is in proximity to and can see the child to  
27 ensure immediate intervention to safeguard a child from harm or to assist with an  
28 accident while in the restroom.

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



1 include the specific standard violated and any corrective action taken and shall  
2 be posted on the corresponding school page of the department's website.

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

7 E.(1) A nonpublic school approved by the State Board of Elementary and  
8 Secondary Education as an accredited approved school shall be exempt from  
9 the provisions of Subsection D of this Section if all of the following conditions  
10 apply:

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

14 (b) The accrediting organization's standards include provisions  
15 addressing the supervision, health, safety, and welfare of students enrolled in  
16 a prekindergarten program operated by the accredited approved school that  
17 meet or exceed the child safety and welfare standards as provided in this  
18 Section.

19 (c) The school provides a written attestation to the state Department of  
20 Education, at the time of its annual school approval application, that the  
21 accrediting organization's standards meet or exceed the child safety and welfare  
22 standards provided for in this Section and provides documentation from the  
23 accrediting organization supporting the attestation.

24 (2)(a) A nonpublic school approved by the State Board of Elementary  
25 and Secondary Education as a nonaccredited approved school shall be exempt  
26 from the provisions of Subsection D of this Section if either of the following  
27 conditions are met:

28 (i) All of the following criteria are met:

29 (aa) The school remains a member in good standing with an association  
30 or organization recognized by the State Board of Elementary and Secondary

1           Education for the purposes of this Section.

2                   **(bb) The association or organization's standards include provisions**  
3                   **addressing the supervision, health, safety, and welfare of students enrolled in**  
4                   **a prekindergarten program operated by the school that meet or exceed the child**  
5                   **safety and welfare standards provided for in this Section.**

6                   **(cc) The school provides a written attestation to the state Department of**  
7                   **Education, at the same time of its annual school approval application, that the**  
8                   **association or organization's standards meet or exceed the child safety and**  
9                   **welfare standards provided for in this Section and provides documentation**  
10                  **from the association or organization supporting the attestation.**

11                  **(ii) The state Department of Education recommends that approval be**  
12                  **granted after an annual review that the department shall conduct of each school**  
13                  **seeking approval. The annual review may include site visits and shall include**  
14                  **a review, at minimum, of the health, safety, and welfare of prekindergarten**  
15                  **students.**

16                  **(b) For the 2026-2027 school year, if an association or organization has**  
17                  **submitted a complete application for recognition to the state board and the state**  
18                  **board has not acted upon the application prior to the beginning of the 2026-**  
19                  **2027 school year, the department shall accept the attestation submitted by the**  
20                  **school.**

21                  **(3) The State Board of Elementary and Secondary Education may revoke**  
22                  **its approval of a prekindergarten program operated by a nonpublic school at**  
23                  **any time if the board determines that the school has jeopardized the health,**  
24                  **safety, or welfare of its students.**

25                  **F.(1) Notwithstanding any provision of law to the contrary, any school,**  
26                  **including a nonpublic school approved by the State Board of Elementary and**  
27                  **Secondary Education or a prekindergarten program attached thereto, that is**  
28                  **operated by a federally recognized tribe pursuant to federal law, including the**  
29                  **Tribally Controlled Schools Act of 1988, 25 U.S.C. 2501 et seq., is exempt from**  
30                  **the provisions of Subsections A through E of this Section and the rules and**

1 regulations adopted pursuant to R.S. 17:24.8(E).

2 (2) Nothing in this Subsection shall be construed to prohibit a school or  
3 prekindergarten program provided for in Paragraph (1) of this Subsection from  
4 electing to seek or obtain approval by the State Board of Elementary and  
5 Secondary Education.

6 G. Notwithstanding any provision of law to the contrary, a nonpublic  
7 school that operates a prekindergarten program and that does not receive any  
8 state or federal funds from any source, whether directly or indirectly, shall be  
9 exempt from the requirements of Subsection D of this Section.

10 H. The State Board of Elementary and Secondary Education shall adopt  
11 rules in accordance with the Administrative Procedure Act as necessary to  
12 implement the provisions of this Section.

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

16 Section 3. This Act shall become effective upon signature by the governor or, if not  
17 signed by the governor, upon expiration of the time for bills to become law without signature  
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
19 vetoed by the governor and subsequently approved by the legislature, the Act shall become  
20 effective on the day following such approval.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_