

RÉSUMÉ DIGEST

ACT 354 (HB 734)

2015 Regular Session

Seabaugh

Licensing, Registration, and Definitions

Existing law provides for state Dept. of Education (DOE) licensing of early learning centers, defined as any child day care center (seven or more children), Early Head Start Center, Head Start Center, or stand-alone prekindergarten program not attached to a school.

Existing law provides for DOE registration of certain child care providers that do not meet this definition of early learning center and are thus not subject to licensing requirements; providers that do not receive state or federal funds or that provide care exclusively for related family members are not required to register.

Prior law required operators of a "family child day care home" to register and defined this as any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and guidance of six or fewer children.

New law deletes that requirement and definition and instead requires the following providers to register:

- (1) "Family child care provider", defined as an individual who provides child care services for six or fewer children, for fewer than 24 hours per day per child, as the sole caregiver, in a private residence.
- (2) "In-home provider", defined as an individual who provides child care services in a child or children's own home.

Prior law required an unlicensed day care facility to register if it received any state or federal funds, directly or indirectly. New law instead requires a facility to register only if it receives state or federal funds related to the care provided. Existing law requires the provider to be registered before the receipt of funds. New law specifies that this applies to funds related to the care provided.

Oversight

Existing law requires the promulgation of rules and regulations relative to unlicensed child care providers.

For such providers not participating in the U.S. Child and Adult Care Food Program or Child Care Development Fund:

Prior law required the state Dept. of Health and Hospitals to promulgate rules and regulations. New law deletes prior law.

For such providers that do participate in such federal program or fund:

Prior law required DOE to promulgate rules and regulations. New law instead requires the State Bd. of Elementary and Secondary Education (BESE) to promulgate rules and regulations.

Inspections

Existing law requires that unlicensed child care facilities be inspected and approved by the state fire marshal's office. New law limits the applicability of this requirement to registered facilities.

Existing law authorizes the state fire marshal, certain parents, and other authorized inspection personnel to inspect unlicensed facilities during normal working hours or when children are in care. New law limits this authority to registered facilities and grants it to parents only if they have children in care of the facility.

Existing law authorizes DOE to inspect registered, unlicensed child care facilities as it deems necessary.

Criminal History and Criminal Background Checks

Existing law provides relative to persons who have been convicted of or plead *nolo contendere* to certain existing law crimes, including first degree murder and cruelty to juveniles. Prior law prohibited any "family child day care home" from having such a person in its employ or living in the home. New law, relative to both family child care providers and in-home providers, prohibits any such person from the following:

- (1) Being a registered provider.
- (2) Being employed in the residence/home, or on the property of the residence/home, where a registered provider provides care.
- (3) Living in the residence/home where a registered provider provides care; however, applicable to in-home providers only, new law does not prohibit such a person from living in the home if he is a caregiver. Defines "caregiver" as a person legally obligated to provide or secure care for a child, including a parent, legal custodian, foster home parent, or other person providing a residence for the child.

Existing law authorizes certain agencies and employers to obtain criminal background information on specific classes of people. New law authorizes DOE to obtain criminal background information on registered, unlicensed child care providers and any adults living in or employed on the premises.

Training

Existing law requires unlicensed child care providers to have certification in either Infant/Child CPR or Infant/Child/Adult CPR. New law adds that this is a condition of registration.

Existing law requires each unlicensed child care provider to participate in a four-hour orientation, provides that orientation counts toward required professional development training, and requires providers to provide proof of orientation within a certain time frame. Prior law required this within 12 months of initial registration. New law reduces this time period from 12 to six months.

Effective July 1, 2015.

(Amends R.S. 15:587.1(A)(1)(a) and (D)(2), the heading of Part X-C of Ch. 1 of Title 17, R.S. 17:407.61, 407.62(4)-(6), and 407.63-407.72; Adds R.S. 17:407.62(7))