

2018 Regular Session

SENATE BILL NO. 71

BY SENATOR MIZELL

EDUCATION DEPARTMENT. Requires DOE to have an administrative search warrant in order to access video recordings of early learning centers and registered child care providers. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:407.43 and 407.65, relative to certain early leaning centers
3 and registered child care providers; to provide relative to investigations of
4 complaints and child safety issues; to require the state Department of Education to
5 obtain an administrative search warrant to access and view certain video recordings;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:407.43 and 407.65 are hereby amended and reenacted to read as
9 follows:

10 §407.43. Inspections

11 (1) It shall be the duty of the department, through its duly authorized agents,
12 to inspect at regular intervals not to exceed one year, and as deemed necessary by the
13 department, and without previous notice, all early learning centers subject to the
14 provisions of this Part. The department shall also develop and facilitate coordination
15 with and among other authorized agencies making inspections at regular intervals.
16 The early learning centers shall be open to inspection by authorized inspection
17 personnel and by parents or legal custodians of children in care only during working

1 hours.

2 (2)(a) If, during the course of investigating a complaint or a child safety
3 issue, the department seeks access to inspect or view any video recording made
4 on the premises of an early learning center and the center refuses the
5 department's request, the department may seek an administrative search
6 warrant requiring the center to make such recordings available for inspection.

7 (b) The department's request for an administrative search warrant to
8 inspect such video recordings shall be incident specific and shall include
9 reasonable specificity as to the incident under investigation, such as the date,
10 time, location, or persons involved. A request for multiple incidents shall
11 include reasonable specificity as to the date, time, location, or persons involved
12 in each incident.

13 (c) The department shall not use such recordings for regular inspection
14 purposes or to develop an early learning center's quality rating as defined in
15 R.S. 47:6102.

16 * * *

17 §407.65. Inspections

18 (1) The department, through its duly authorized agents, shall reserve the right
19 to visit and inspect each registered family child care provider and in-home provider
20 as deemed necessary by the department. Any residence or home in which care is
21 provided by a registered family child care provider or in-home provider shall be open
22 to inspection by the department, parents of children in care, and by other authorized
23 inspection personnel during normal working hours or when children are in care.

24 (2)(a) If, during the course of investigating a complaint or a child safety
25 issue, the department seeks access to inspect or view any video recording made
26 on the premises of a registered family child care provider or in-home provider
27 and the provider refuses the department's request, the department may seek an
28 administrative search warrant requiring the provider to make such recordings
29 available for inspection.

1 **(b) The department's request for an administrative search warrant to**
 2 **inspect such video recordings shall be incident specific and shall include**
 3 **reasonable specificity as to the incident under investigation, such as the date,**
 4 **time, location, or persons involved. A request for multiple incidents shall**
 5 **include reasonable specificity as to the date, time, location, or persons involved**
 6 **in each incident.**

7 **(c) The department shall not use such recordings for regular inspection**
 8 **purposes.**

9 Section 2. This Act shall become effective upon signature by the governor or, if not
 10 signed by the governor, upon expiration of the time for bills to become law without signature
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 13 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 Cheryl Serrett.

	DIGEST	
SB 71 Original	2018 Regular Session	Mizell

Present law requires the state Department of Education (DOE) to regularly inspect early learning centers, registered family child care providers, and registered in-home child care providers.

Proposed law provides that if, during the course of investigating a complaint or child safety issue, the department seeks access to video recordings made on the premises of an early learning center, registered family child care provider, or registered in-home provider and is denied access, the department may seek an administrative search warrant. Requires that the request for the search warrant be incident specific and include information relative to the date, time, location, or persons involved.

Proposed law prohibits DOE from using such recordings for regular inspection purposes or to develop an early learning center's quality rating.

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

(Amends R.S. 17:407.43 and 407.65)