

2019 Regular Session

HOUSE BILL NO. 550

BY REPRESENTATIVE TURNER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

EARLY CHILDHOOD: Provides that the identity of a person making a complaint relative to an early learning center or certain providers or fraud pertaining to the Child Care Assistance Program and related state Dept. of Education investigation records shall be confidential and shall not be public records

1 AN ACT

2 To amend and reenact R.S. 17:407.47 and 407.65 and R.S. 44:4.1(B)(9) and to enact R.S.  
3 17:407.28(E), relative to records of the state Department of Education; to provide  
4 relative to the identity of a person making a complaint relative to certain programs  
5 and records of related investigations by the department; to provide for  
6 confidentiality; to provide for exemptions from the Public Records Law; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:407.47 and 407.65 are hereby amended and reenacted and R.S.  
10 17:407.28(E) is hereby enacted to read as follows:

11 §407.28. Federal Funds for the Child Care and Development Fund Programs; state  
12 Department of Education's authority to receive; complaints

13 \* \* \*

14 E. The identity of a person making a complaint about fraud in the Child Care  
15 Assistance Program and the records of investigations of such complaints by the state  
16 Department of Education shall be confidential and shall not be subject to the Public  
17 Records Law.

18 \* \* \*

1 §407.47. Complaints against centers

2 A. It shall be the duty of the department, through its duly authorized agents,  
3 to report all complaints, including but not limited to complaints alleging child abuse  
4 or the prevention or spread of communicable diseases, against any early learning  
5 center to the appropriate agencies for investigation and disposition.

6 B. The identity of a person making a complaint against an early learning  
7 center and the records of investigations by the department of such complaints,  
8 including complaints about fraud in the Child Care Assistance Program, shall be  
9 confidential and shall not be subject to the Public Records Law.

10 \* \* \*

11 §407.65. Inspections; complaints

12 A. The department, through its duly authorized agents, shall reserve the right  
13 to visit and inspect each registered family child care provider and in-home provider  
14 as deemed necessary by the department.

15 B. Any residence or home in which care is provided by a registered family  
16 child care provider or in-home provider shall be open to inspection by the  
17 department, parents of children in care, and by other authorized inspection personnel  
18 during normal working hours or when children are in care.

19 C. The identity of a person making a complaint against a family child care  
20 or in-home provider and the records of investigations of such complaints by the  
21 department, including complaints about fraud in the Child Care Assistance Program,  
22 shall be confidential and shall not be subject to the Public Records Law.

23 Section 2. R.S. 44:4.1(B)(9) is hereby amended and reenacted to read as follows:

24 §4.1. Exceptions

25 \* \* \*

26 B. The legislature further recognizes that there exist exceptions, exemptions,  
27 and limitations to the laws pertaining to public records throughout the revised  
28 statutes and codes of this state. Therefore, the following exceptions, exemptions, and

1 limitations are hereby continued in effect by incorporation into this Chapter by  
2 citation:

3 \* \* \*

4 (9) R.S. 17:7.2, 46, 47, 81.9, 391.4, 407.28, 407.47, 407.65, 500.2, 1175,  
5 1202, 1237, 1252, 1952, 1989.7, 2047, 2048.31, 3099, 3100.8, 3136, 3390, 3773,  
6 3884

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

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HB 550 Engrossed

2019 Regular Session

Turner

**Abstract:** Provides that the identity of a person making a complaint relative to an early learning center, family child care or in-home provider, or fraud pertaining to the Child Care Assistance Program and related state Dept. of Education investigation records shall be confidential and shall not be public records.

Present law (R.S. 44:1 et seq.—Public Records Law) provides for access and retention of public records. Establishes a framework for the ready availability of public records to requesting persons.

Present law (R.S. 17:407.28) provides for the transition of lead agency authority from the Dept. of Children and Family Services to the state Dept. of Education (DOE) for the Child Care Development Fund and authorizes DOE to accept and direct disbursement of funds appropriated by congress and apportioned to the state for use in connection with any Child Care and Development Fund programs. Present law (R.S. 17:407.30) provides for the administration of the fund. Provides that monies in the fund shall be used for the purpose of funding early childhood care and education slots through the Child Care Assistance Program.

Proposed law retains present law. Additionally provides that the identity of a person making a complaint about fraud in the Child Care Assistance Program and the records of investigations of such complaints by DOE shall be confidential and shall not be subject to present law (Public Records Law).

Present law (R.S. 17:407.31 et seq.) provides for a licensing program for early learning centers administered by DOE.

Present law (R.S. 17:407.47) requires DOE to report all complaints, including but not limited to complaints alleging child abuse or the prevention or spread of communicable diseases, against any early learning center to the appropriate agencies for investigation and disposition.

Proposed law retains present law. Additionally provides that the identity of a person making a complaint against an early learning center and the records of investigations by the department of such complaints, including complaints about fraud in the Child Care

Assistance Program, shall be confidential and shall not be subject to present law (Public Records Law).

Present law (R.S. 17:407.61 et seq.) requires family child care providers and in-home providers to be registered if they directly or indirectly receive state or federal funds related to the child care provided. Provides for penalties.

Present law (R.S. 17:407.65) authorizes DOE to visit and inspect registered family child care providers and in-home providers. Present law (R.S. 17:407.67) authorizes the department to deny, revoke, or refuse to renew a registration of a registered family child care provider or in-home provider if an applicant has failed to comply with the provisions of present law, any applicable published rule or regulation relating to registered family child care providers or in-home providers, or any other state, federal, or local rule or regulation.

Proposed law retains present law. Additionally provides that the identity of a person making a complaint against a family child care or in-home provider and the records of investigations of such complaints by the department, including complaints about fraud in the Child Care Assistance Program, shall be confidential and shall not be subject to present law (Public Records Law).

Present law (R.S. 44:4.1) provides a listing of exceptions, exemptions, and limitations to the laws pertaining to public records. Proposed law retains present law and adds references to proposed law.

(Amends R.S. 17:407.47 and 407.65 and R.S. 44:4.1(B)(9); adds R.S. 17:407.28(E))