

Regular Session, 2013

SENATE BILL NO. 130

BY SENATORS APPEL, ALARIO, GUILLORY, LONG, MARTINY, NEVERS,  
PEACOCK, RISER, GARY SMITH, TARVER, THOMPSON AND  
WALSWORTH

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

EARLY CHILDHOOD ED. Creates the Early Childhood Care and Education Network and  
the Tiered Kindergarten Readiness Improvement System. (gov sig)

AN ACT

To amend and reenact R.S. 17:407.23, 407.24, and 407.25, to enact R.S. 17:407.26 and R.S.  
36:651(K), and to repeal R.S. 17:24.10, relative to early childhood care and  
education; to create the Early Childhood Care and Education Network and provide  
for the establishment of the Tiered Kindergarten Readiness Improvement System;  
to provide for criteria for membership in the network and participation in the  
kindergarten readiness system; to provide for withdrawal from and exemptions from  
membership in the network; to provide for educational program standards and  
alignment of such standards with licensure standards for certain child care centers  
and facilities; to provide for an accountability system for early childhood care and  
education programs; to provide for the responsibilities of the State Board of  
Elementary and Secondary Education, the state Department of Education, and other  
state agencies; to provide with respect to the allocation of public funding to members  
of the network and continued eligibility for such funding; to provide for an  
enrollment and registration system for early childhood care and educational  
programs and classes; to establish the Cecil J. Picard LA 4 Early Childhood Program  
as part of the network and provide relative to funding, participation criteria, and cost

1 to participate in LA 4 classes; to provide for the promulgation of rules; and to  
2 provide for related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. R.S. 17:407.23, 407.24, and 407.25 are hereby amended and reenacted  
5 and R.S. 17:407.26 is hereby enacted to read as follows:

6 §407.23. Early Childhood Care and Education Network; **Tiered Kindergarten**  
7 **Readiness Improvement System;** creation; **participation;**  
8 components; duties and responsibilities

9 ~~A. Not later than July 1, 2013, the State Board of Elementary and Secondary~~  
10 ~~Education, hereinafter called the state board, shall create a comprehensive and~~  
11 ~~integrated network through which to manage and oversee all programs funded~~  
12 ~~through state or federal resources that provide early childhood care or educational~~  
13 ~~services.~~

14 ~~B. To facilitate the creation of this network, the state board shall:~~

15 **A.(1) The Early Childhood Care and Education Network is hereby**  
16 **created to manage, coordinate, and oversee all publicly funded programs that**  
17 **provide early childhood care or educational programs to children from birth**  
18 **to age five.**

19 **(2) The network shall be administered by the State Board of Elementary**  
20 **Education through the state Department of Education.**

21 **B.(1) Except as provided in R.S. 17:407.26, effective January 1, 2014, all**  
22 **public schools and school districts, state-approved nonpublic schools, child care**  
23 **centers and facilities licensed by the state, and other qualified entities that**  
24 **receive public funding and provide child care and educational programs to**  
25 **children from birth until age five shall be members of the network and shall**  
26 **participate in the Tiered Kindergarten Readiness Improvement System as**  
27 **provided in Subsection C of this Section.**

28 **(2) The state board shall establish a process by which any public or**  
29 **approved nonpublic school, child care center or facility, or other qualified entity**

1 that is not otherwise required to participate may join the Early Childhood Care  
2 and Education Network and participate in the Tiered Kindergarten Readiness  
3 Improvement System.

4 C.(1) Not later than the beginning of the 2015-2016 school year, the state  
5 board shall establish and implement the Tiered Kindergarten Readiness  
6 Improvement System to establish common standards of kindergarten readiness,  
7 assess the quality of early child care and education programs serving children  
8 from birth to age five, provide information to parents and the public regarding  
9 the quality of early child care and education programs, services, and classes,  
10 and provide resources to support needed improvements in the provision of early  
11 child care and education programs.

12 (2) Such system shall include:

13 ~~(1) Establish a~~ (a) A definition of kindergarten readiness aligned with state  
14 content standards for elementary and secondary schools.

15 ~~(2) Establish performance~~ (b) Performance targets for children under the age  
16 of three and academic standards for kindergarten readiness for three- and four-year  
17 old children to be used in publicly-funded early childhood education programs.

18 ~~(3) Create a~~ (c) A uniform assessment and accountability system for publicly-  
19 funded early childhood education programs that includes a letter grade indicative of  
20 student performance the progress and performance of the children participating  
21 in the program.

22 (d) Criteria for membership and continued participation in the Early  
23 Childhood Care and Education Network.

24 (3)(a) The state board shall submit all plans and recommendations to  
25 implement the Early Childhood Care and Education Network to Louisiana's  
26 Early Childhood Advisory Council, the Childcare Association of Louisiana, and  
27 the nonpublic school council appointed by the board pursuant to R.S. 17:11, for  
28 review and comment.

29 (b) Beginning with December 1, 2013, and continuing semi-annually

1 thereafter, the state board shall apprise Louisiana's Early Childhood Advisory  
2 Council, the Childcare Association of Louisiana, and the board's nonpublic  
3 school council regarding the implementation and ongoing progress of the Early  
4 Childhood Care and Education Network.

5 ~~(4) Coordinate~~ D. The state board shall coordinate and collaborate with  
6 the Department of Children and Family Services and the Department of Health and  
7 Hospitals to align the standards for the licensing of ~~child care~~ child day care centers  
8 and facilities; ~~including the requirements for participation in the Louisiana Quality~~  
9 ~~Start Child Care Rating System;~~ with the standards established for early childhood  
10 education programs pursuant to the Tiered Kindergarten Readiness  
11 Improvement System.

12 ~~(5) Establish a timeline for the creation and implementation of the early~~  
13 ~~childhood care and education network that shall be fully implemented by the~~  
14 ~~beginning of the 2015-2016 school year.~~

15 ~~C.(1) In creating this network, the state board, through the state Department~~  
16 ~~of Education, shall work cooperatively and collaboratively with the Department of~~  
17 ~~Children and Family Services and the Department of Health and Hospitals to~~  
18 ~~establish a seamless early childhood educational system that is coordinated and~~  
19 ~~integrated across all programs and related state agencies, regardless of public~~  
20 ~~funding source.~~

21 ~~(2)(a) The state Department of Education shall submit the plans and~~  
22 ~~recommendations formulated by the impacted agencies to Louisiana's Early~~  
23 ~~Childhood Advisory Council, the Child Care Association of Louisiana, and the~~  
24 ~~nonpublic school commission appointed by the state board pursuant to R.S. 17:11 for~~  
25 ~~review and comment.~~

26 ~~(b) Each reviewing entity shall submit its comments and recommendations~~  
27 ~~to the state Department of Education, which shall prepare a summary report to be~~  
28 ~~submitted to the state board for its consideration not later than January 1, 2013.~~

29 ~~(3) By not later than March 1, 2013, the state board shall submit a written~~

1 ~~report to each member of the legislature, the Senate Committee on Education~~  
2 ~~secretary, and the House Committee on Education secretary on the status of~~  
3 ~~development of the early childhood care and education network. Such report shall~~  
4 ~~include but not be limited to any recommendations relative to changes in law or~~  
5 ~~administrative policy needed to properly implement the network.~~

6 **E.(1) The state board shall, to the extent allowed by state and federal**  
7 **law, align and allocate funding to members of the network with the**  
8 **performance standards established by the board for the Tiered Kindergarten**  
9 **Readiness Improvement System. To maximize the braiding of funding streams**  
10 **across early child care and education programs, and thereby maximize access**  
11 **of at-risk children to high quality programs, the state board shall, to the extent**  
12 **allowed by state and federal law, align all program funding requirements. A**  
13 **member of the network that fails to meet the prescribed performance standards**  
14 **for four consecutive years will no longer be eligible to participate in the**  
15 **network, but may be reinstated upon meeting the criteria established by the**  
16 **state board.**

17 **(2) The state board shall establish a transition process whereby the**  
18 **parent or legal guardian of a child registered or enrolled in a program or class**  
19 **offered by any network member that withdraws or loses eligibility to participate**  
20 **in the network has sufficient time to place their child with a participating**  
21 **network member.**

22 **F. Any publicly funded provider of early childhood care or educational**  
23 **programs, services, or classes that does not wish to be a member of the network**  
24 **and participate in the Tiered Kindergarten Readiness Improvement System**  
25 **shall, not later than December first of each year, notify the Department of**  
26 **Education and the state agency through which they are licensed, in writing, that**  
27 **they will withdraw from the network and acknowledge that by doing so they**  
28 **may no longer be eligible to receive public funding.**

29 **G.(1) The Department of Children and Family Services, the Department**

1 of Health and Hospitals, and any other state agency that licenses child day care  
2 centers or facilities, shall notify the Department of Education on a regular basis,  
3 but not less than every six months, if the license of a child day care center or  
4 facility under their jurisdiction has lapsed or has been revoked.

5 (2) A child day care center or facility that fails to maintain a current,  
6 valid license to operate shall not be eligible to be a member of the network, but  
7 may be reinstated at such time as the center or facility regains state licensure  
8 and meets any other requirements as established by the state board.

9 H. The state board shall develop and implement a unified registration  
10 and enrollment system to facilitate family access to high quality early childhood  
11 care and educational programs, services, and classes offered by members of the  
12 network that shall be based upon program performance, supply and demand,  
13 and local need.

14 I. Each member of the network and all public agencies that provide  
15 child care or education programs shall cooperate fully with the state board and  
16 the Department of Education and provide such information, data, and  
17 assistance as deemed necessary by the state board.

18 §407.24. The Cecil J. Picard LA 4 Early Childhood Program; inclusion in  
19 Early Childhood Care and Education Network

20 A. The Cecil J. Picard LA 4 Early Childhood Program shall be  
21 administered through the Early Childhood Care and Education Network and  
22 all classes taught through the program shall comply with all rules and  
23 regulations promulgated by the state board for participation in the network and  
24 the Tiered Kindergarten Readiness Improvement System.

25 B. The Department of Education shall allocate funding, out of monies  
26 appropriated for such purpose, to any member of the network that applies for  
27 such funding and uses the funding solely for the purpose of providing early  
28 childhood development classes pursuant to The Cecil J. Picard LA 4 Early  
29 Childhood Program. Such classes shall be referred to in this Part as "LA 4

1 classes".

2 C.(1) LA 4 classes shall be made available through the unified  
3 registration and enrollment system for every eligible child for whom funding is  
4 available, provided that the child meets the requirements of law for  
5 immunization documentation required for regular school enrollment.

6 (2)(a) LA 4 classes shall be provided at no cost, except for any applicable  
7 lunch cost, to the child or his family for any eligible child who is considered "at-  
8 risk" as defined by the state board.

9 (b) Any other eligible child may be charged a tuition fee for all or part  
10 of the LA 4 class, in an amount not to exceed that necessary for the member of  
11 the network to provide the LA 4 class to the child.

12 D. An otherwise eligible child who is considered "at-risk", as defined by  
13 the state board, shall be given preference in the unified registration and  
14 enrollment system developed pursuant to R.S. 17:407.23(I).

15 ~~§407.24.~~ §407.25. Rules

16 The State Board of Elementary and Secondary Education shall promulgate  
17 rules and regulations in accordance with the Administrative Procedure Act to  
18 implement the provisions of this Part. When promulgating such rules and  
19 regulations, the board shall minimize the financial and administrative impact  
20 on members of the Early Childhood Care and Education Network to the  
21 greatest extent possible.

22 ~~§407.25.~~ §407.26. Applicability; limitation

23 This Part shall not apply to:

24 (1) ~~early~~ Early childhood programs and child care centers and facilities  
25 that receive public funds solely for food and nutrition assistance.

26 (2) Early childhood programs and child care centers and facilities that  
27 are licensed by the state but do not receive public funding.

28 (3) Child daycare centers or facilities that serve fewer than seven  
29 children.

Section 2. R.S. 36:651(K) is hereby enacted to read as follows:

§651. Transfer of boards, commissions, departments, and agencies to Department of Education; boards, commissions, and agencies within Department of Education

\* \* \*

**K. The Early Childhood Care and Education Network (R.S. 17:407.23 et seq.) is placed within the Department of Education and shall exercise and perform its powers, duties, functions, and responsibilities as provided by law.**

Section 3. R.S. 17:24.10 is hereby repealed.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeanne C. Johnston.

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#### DIGEST

Appel (SB 130)

Present law requires the State Board of Elementary and Secondary Education (BESE) to create an early childhood care and education network, by July 1, 2013, through which to manage and oversee publicly-funded programs that provide early childhood educational services, and to:

- (1) Establish performance targets for children under the age of three and academic standards for kindergarten readiness for three- and four-year old children.
- (2) Create a uniform assessment and accountability system that includes a letter grade indicative of student performance.
- (3) Coordinate with the Department of Children and Family Services (DCFS) and the Department of Health and Hospitals (DHH) to align the standards for the licensing of child care facilities, including the requirements for participation in the La. Quality Start Child Care Rating System, with the standards established for early childhood education programs.
- (4) Establish a time line for the creation and implementation of the early childhood care and education network that shall be fully implemented by the beginning of the 2015-2016 school year.
- (5) Work cooperatively and collaboratively with DCFS and DHH, to establish a seamless early childhood educational system coordinated and integrated across all



programs and related state agencies, regardless of public funding source.

Proposed law essentially retains present law and provides as follows:

- (1) Establishes the Early Childhood Care and Education Network to manage and oversee all publicly-funded programs that provide early childhood care or educational programs to children from birth to age five. Specifies that the network will be administered by BESE through the state Department of Education.
- (2) Requires BESE, by the beginning of the 2015-2016 school year, to establish and implement the Tiered Kindergarten Readiness Improvement System to establish common standards of kindergarten readiness, assess and provide information regarding the quality of early child care and education programs, and provide resources to support improvements in such programs. Provides that the system shall include:
  - (a) A definition of kindergarten readiness.
  - (b) Performance targets for children under the age of three and academic standards for kindergarten readiness for three- and four-year old children.
  - (c) A uniform assessment and accountability system that includes a letter grade indicative of the progress and performance of the children participating in the program.
  - (d) Criteria for membership and continued participation in the Early Childhood Care and Education Network.
- (3) Requires BESE to submit all plans and recommendations to implement the Early Childhood Care and Education Network to Louisiana's Early Childhood Advisory Council, the Childcare Association of Louisiana, and the board's nonpublic school council for review and comment. Further requires BESE to apprise these entities on a semi-annual basis, beginning with Dec. 1, 2013, regarding the implementation and ongoing progress of the network.
- (4) Specifies that, effective January 1, 2014, all public schools and school districts, state-approved nonpublic schools, child care centers and facilities licensed by the state, and other qualified entities that receive public funding and provide child care and educational programs to children from birth until age five shall be members of the network and participate in the Tiered Kindergarten Readiness Improvement System.
- (5) Requires BESE to establish a process by which schools and child care centers or facilities that are not required to participate in the network and kindergarten readiness system may join and participate.
- (6) Exempts early childhood programs and child care centers and facilities that receive public funds solely for food and nutrition assistance, those that are licensed by the state but do not receive public funding, and child day care centers or facilities that serve fewer than seven children.
- (7) Requires BESE to coordinate with DCFS and DHH to align the standards for the licensing of child day care centers and facilities with the standards established for early childhood education programs in the Tiered Kindergarten Readiness Improvement System. Present law required for alignment with the requirements to participate in the La. Quality Start Child Care Rating System.
- (8) Requires BESE, to the extent allowed by state and federal law, to align and allocate funding to members of the network with the performance standards established for

the kindergarten readiness system. Further requires BESE, as allowed by state and federal law, to align all program funding requirements to maximize the braiding of funding streams across early child care and education programs, thereby maximizing access of at-risk children to high quality programs.

- (9) Network members that fail to meet prescribed performance standards for four consecutive years lose eligibility to participate in the network but may be reinstated upon meeting BESE criteria.
- (10) Requires BESE to establish a transition process whereby the parent or legal guardian of a child registered or enrolled in a program or class offered by any network member that withdraws or loses eligibility to participate in the network has sufficient time to place their child with a participating network member.
- (11) Requires a publicly funded provider of early childhood care or educational programs, services, or classes that does not wish to be a member of the network and participate in the kindergarten readiness system to notify DOE and the state agency through which they are licensed, in writing, that they will withdraw from the network and acknowledge that by doing so may no longer be eligible to receive public funding. Further provides that such notification must be provided not later than December first of each year.
- (12) Requires DCFS, DHH, and any other state agency that licenses child day care centers or facilities to notify DOE at least every six months if the license of a child day care center or facility under their jurisdiction has lapsed or has been revoked.
- (13) A child day care center or facility that fails to maintain a current, valid license to operate shall not be eligible to be a member of the network, but may be reinstated at such time as the center or facility regains state licensure and meets any other requirements as established by BESE.
- (14) Requires BESE to develop and implement a unified registration and enrollment system to facilitate family access to early childhood care and educational programs, services, and classes offered by members of the network based upon program performance, supply and demand, and local need.
- (15) Requires network members and public agencies that provide child care or education programs to cooperate fully with BESE and DOE and provide necessary information and assistance.

Present law establishes the Cecil J. Picard LA 4 Early Childhood Program to provide early childhood development and enrichment activity classes (LA 4 classes) to every child within the jurisdiction of a participating school system or charter school who would be eligible to enter public school kindergarten the following year and meets program criteria.

Proposed law retains present law but provides that the LA 4 program shall be administered through the Early Childhood Care and Education Network and all LA 4 classes shall comply with the rules and regulations promulgated by BESE for participation in the network and the Tiered Kindergarten Readiness Improvement System. Present law also deletes provisions relative to the provision of enrichment activity classes.

Present law provides that LA 4 classes are to be provided at no cost, except for applicable lunch costs, to at-risk children. Further provides that other eligible children may be charged tuition for all or part of the LA 4 class in an amount not to exceed that necessary for the network member to provide the LA 4 class to the child.

Proposed law retains present law but removes the cap on the amount of tuition that can be charged to a student enrolled in a LA 4 class and removes the requirement that such tuition

be imposed on a sliding scale based upon family income.

Proposed law provides that an otherwise eligible child who is considered "at-risk", as defined for the kindergarten readiness system shall be given preference in the unified registration and enrollment system.

Present law provides for a phased-in implementation of a plan to provide for universal access to LA 4 classes at no cost other than applicable lunch costs by the 2013-2014 school year.

Proposed law deletes present law.

Present law specifies the criteria for LA 4 educational programs and enrichment activities, the criteria for teachers, classroom space and facilities, classroom and instructional materials, meals and snacks, and provision of family support services.

Proposed law deletes present law.

Proposed law requires BESE to minimize the financial and administrative impact on members of the network to the greatest extent possible when promulgating rules and regulations to implement proposed law.

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

(Amends R.S. 17:407.23, 407.24, and 407.25; adds R.S. 17:407.26 and R.S. 36:651(K); repeals R.S. 17:24.10)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Makes technical corrections.
2. Requires BESE to submit implementation plans and recommendations to Louisiana's Early Childhood Advisory Council, the Childcare Association of Louisiana, and the board's nonpublic school commission for review and comment.
3. Requires BESE, as allowed by law, to align all program funding requirements to facilitate the braiding of funding streams.
4. Deletes requirement that BESE notify network members of network membership and kindergarten readiness system requirements and network withdrawal procedures by Nov. 1, 2013.
5. Requires network members wishing to withdraw from the network to notify the specified state agencies by Dec. first of each year.
6. Removes the cap on the amount of tuition that can be charged to a student enrolled in a LA 4 class and removes the requirement that such tuition be imposed on a sliding scale based upon family income.

##### Senate Floor Amendments to engrossed bill

1. Provides that the requirement for network membership and participation in the kindergarten readiness system is effective Jan. 1, 2014.

2. Clarifies that the performance letter grade is applicable to the program and not the individual child.
3. Adds requirement that BESE apprise the statutorily specified entities on a semi-annual basis regarding implementation and ongoing progress of the network.
4. Makes technical corrections.