

Regular Session, 2014

SENATE BILL NO. 533

BY SENATORS LAFLEUR AND WALSWORTH AND REPRESENTATIVES CARTER
AND LEGER

EDUCATION DEPARTMENT. Provides for a local enrollment coordination process for publicly funded early childhood care and education. (gov sig)

1 AN ACT

2 To enact Part X-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 17:407.41 through 407.46, relative to early childhood education
4 enrollment coordination; to provide for definitions; to provide for prohibitions; to
5 authorize local enrollment coordination entities; to provide for responsibilities of
6 approved local enrollment coordination entities; to provide for funding of approved
7 local enrollment coordination entities; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part X-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of
10 1950, comprised of R.S. 17:407.41 through 407.46, is hereby enacted read as follows:

11 **PART X-B. LOUISIANA EARLY LEARNING**

12 **ENROLLMENT COORDINATION**

13 **§407.41. Definitions**

14 **As used in this Part, the following definitions shall apply:**

15 **A. "Coverage area" means the parish, parishes, or other geographical**
16 **area within the jurisdiction of a local early learning enrollment coordinator.**

17 **B. "Department" means the Department of Education.**

1 C. "Local early learning enrollment coordinator" means an approved
2 entity that conducts a process for informing families about publicly-funded
3 early childhood care and education programs in the coverage area; collects
4 family preferences; develops and uses a common application process; annually
5 determine demand for publicly-funded early childhood care and education
6 within the coverage area; and makes recommendations to the department for
7 the distribution of available publicly-funded early childhood care and education
8 slots for at-risk children within its coverage area.

9 D. "State Board" means the State Board of Elementary and Secondary
10 Education.

11 §407.42. Prohibitions

12 A. No entity that is currently providing early childhood care and
13 education shall be authorized as a local early learning enrollment coordinator.

14 B. No entity that has a potential conflict of interest with any early
15 learning center, as determined by the department, shall be authorized as a local
16 early learning enrollment coordinator.

17 §407.43. Authorization of local early learning enrollment coordinators

18 Prior to authorizing local early learning enrollment coordinators, the
19 state board shall:

20 (1) Approve a process no later than June 30, 2015, to authorize entities
21 as local early learning enrollment coordinators to begin performing required
22 services as early as the 2015-2016 school year. The board shall make every
23 attempt to ensure statewide coverage no later than the 2016-2017 school year.

24 (2) Not certify any entity as a local early learning enrollment coordinator
25 under this Section unless it is in compliance with procedures and regulations
26 established by the state board. The entity shall be either a state agency or a
27 nonprofit or for-profit corporation having an educational or social services
28 mission, including but not limited to a nonprofit corporation of a philanthropic
29 or policy nature, a Louisiana public postsecondary education institution, or a

1 nonprofit corporation established by the governing authority of a parish or
2 municipality.

3 (3) Review each proposed local early learning enrollment coordinator in
4 a timely manner and determine whether each proposed local early learning
5 enrollment coordinator complies with the law and rules and whether the
6 proposal is valid, complete, and financially well-structured.

7 (4) Approve a process by which the department serves as the local early
8 learning enrollment coordinator for those coverage areas without an approved
9 entity.

10 (5)(a) The initial authorization of a local early learning enrollment
11 coordinator shall be for a period up to five years.

12 (b) After the initial authorization period, the state board may grant
13 renewal of authorization for additional periods of not less than three years nor
14 more than five years after thorough review of the local early learning
15 enrollment coordinator activities.

16 (6) Promulgate rules establishing an appeals process and designating the
17 department to oversee the process through which families and early learning
18 centers have the opportunity to appeal decisions made by local early learning
19 enrollment coordinators.

20 §407.44. Responsibilities of approved local early learning enrollment
21 coordinators

22 In accordance with R.S. 17:407.22, local early learning enrollment
23 coordinators shall support families in accessing high-quality publicly-funded
24 early childhood care and education by:

25 (1) Conducting a process for disseminating information about early
26 childhood care and education programs and collecting family preferences in
27 order to make distribution recommendations.

28 (2) Using a common application process, annually determine family
29 demand for publicly-funded early childhood care and education within the

1 coverage area.

2 (3) Producing a recommendation to the department of the distribution
3 of available publicly-funded early childhood care and education slots within the
4 coverage area.

5 §407.45. Funding of approved local early learning enrollment coordinators

6 A. Pursuant to rules adopted by the state board, the department shall
7 allocate from public funds available for early childhood care and education
8 programs an amount not to exceed two percent of such programs to fund local
9 early learning enrollment coordinators in performing required services. The
10 department may additionally use such funds to support any local enrollment
11 pilot programs during the 2014-2015 school year in order to inform the
12 establishment of rules adopted by the state board on or before June 30, 2015.

13 B. The department may establish start-up or incubation grants to
14 encourage sufficient supply of high-quality local early learning enrollment
15 coordinators.

16 C. The local early learning enrollment coordinator shall annually submit
17 to the department an independent financial audit conducted by a certified
18 public accountant who has been approved by the legislative auditor. Such audit
19 shall be accompanied by the auditor's statement that the report is free of
20 material misstatements. The audit shall be limited in scope to those records
21 necessary to ensure that the local early learning enrollment coordinator has
22 used funds to perform required services, and it shall be submitted to the
23 legislative auditor for review and investigation of any irregularities or audit
24 findings. The local early learning enrollment coordinator shall return to the
25 state any funds that the legislative auditor determines were expended in a
26 manner inconsistent with state law or state board regulations. The cost of such
27 audit shall be paid by the department from funds provided pursuant to
28 Subsection A of this Section.

29 §407.46. Rules

1 **The state board shall adopt all rules and regulations required in this Part**
 2 **in accordance with the Administrative Procedure Act.**

3 Section 2. This Act shall become effective upon signature by the governor or, if not
 4 signed by the governor, upon expiration of the time for bills to become law without signature
 5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 7 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 Alan Miller.

DIGEST

LaFleur (SB 533)

Proposed law, which establishes Louisiana Early Learning Enrollment Coordination procedures, requires BESE to authorize local early learning enrollment coordinators that conduct a process for informing families about early childhood care and education programs in a coverage area, collect family preferences, develop and use a common application process, determine demand, and make recommendations to the Department of Education (DOE).

Proposed law provides that no entity that is currently providing early childhood care and education may be authorized as a local early learning enrollment coordinator.

Proposed law provides that no entity which has a potential conflict of interest with any early learning center, as determined by the DOE, may be authorized as a local early learning enrollment coordinator.

Proposed law provides that prior to authorizing local early learning enrollment coordinators, BESE shall:

- (1) Approve a process no later than 6/30/2015 to authorize entities as local early learning enrollment coordinators to begin performing required services as early as the 2015-2016 school year. Further, BESE shall make every attempt to ensure statewide coverage no later than the 2016-2017 school year.
- (2) Not certify any entity as a local early learning enrollment coordinator under proposed law unless it is in compliance with procedures and regulations established by BESE. The entity shall be either a state agency or a nonprofit or for-profit corporation having an educational or social services mission, including but not limited to a nonprofit corporation of a philanthropic or policy nature, a Louisiana public postsecondary education institution, or a nonprofit corporation established by the governing authority of a parish or municipality.
- (3) Review each proposed local early learning enrollment coordinator in a timely manner and determine whether each proposed coordinator complies with the law and rules and whether the proposal is valid, complete, and financially well-structured.
- (4) Approve a process by which the department serves as the local early learning enrollment coordinator for those coverage areas without an approved entity.

- (5) Initially authorize the local early learning enrollment coordinators for a period up to five years. After the initial authorization period, BESE may grant renewal of authorization for additional periods of not less than three years nor more than five years after thorough review of the local early learning enrollment coordinator activities.
- (6) Promulgate rules establishing an appeals process and designating DOE to oversee the process through which families and early learning centers may appeal decisions made by local early learning enrollment coordinators.

Proposed law provides that local early learning enrollment coordinators shall support families in accessing high-quality publicly-funded early childhood care and education by:

- (1) Conducting a process for disseminating information about early childhood care and education programs and collecting family preferences in order to make distribution recommendations.
- (2) Using a common application process, annually determine family demand for publicly-funded early childhood care and education within the coverage area.
- (3) Producing an annual recommendation to DOE of the distribution of available publicly-funded early childhood care and education slots within the region.

Proposed law provides that pursuant to rules adopted by BESE, DOE shall allocate from public funds available for early childhood care and education programs an amount not to exceed 2% of such programs to fund local early learning enrollment coordinators in performing required services. DOE may additionally use such funds to support any local enrollment pilot programs during the 2014-2015 school year in order to inform the establishment of rules adopted by BESE on or before 6/30/2015.

Proposed law authorizes BESE to establish start-up or incubation grants to encourage sufficient supply of high-quality local early learning enrollment coordinators.

Proposed law requires the local early learning enrollment coordinator to annually submit to DOE an independent financial audit conducted by a certified public accountant who has been approved by the legislative auditor, along with the auditor's statement that the report is free of material misstatements. The audit shall be limited in scope to those records necessary to ensure that the coordinator has used funds to perform required services, and it shall be submitted to the legislative auditor for review and investigation of any irregularities or audit findings. Requires the local early learning enrollment coordinator to return to the state any funds that the legislative auditor determines were expended in a manner inconsistent with state law or state board regulations. The cost of such audit shall be paid by the department from funds provided pursuant to proposed law.

Requires all rules required in the proposed law to be adopted pursuant to the APA.

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

(Adds R.S. 17:407.41-407.46)