

Regular Session, 2014

SENATE BILL NO. 524

BY SENATORS WALSWORTH, GUILLORY AND LAFLEUR AND
REPRESENTATIVES CARTER AND LEGER

EARLY CHILDHOOD ED. Provides for transfer of the lead agency for the Child Care and Development Fund Block Grant and the transfer of oversight and administration of licensing and regulation of early learning centers from the Department of Children and Family Services to the Department of Education. (See Act)

1 AN ACT

2 To amend and reenact R.S. 15:587.1(A)(1)(a), R.S. 36:474(A)(11) and 477(B)(1), R.S.
3 46:1401, 1402, 1402.1, 1403, 1404(A), 1405, 1406, 1407, 1414.1, 1415, 1417,
4 1418(A), 1419, 1420(A), 1421, 1422, 1423, 1427, 1428, and 1430, to enact R.S.
5 17:407.26, Part X-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of
6 1950, to be comprised of R.S. 17:407.31 through 407.53, Part X-C of Chapter 1 of
7 Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.
8 17:407.61 through 407.72, and Part X-D of Chapter 1 of Title 17 of the Louisiana
9 Revised Statutes of 1950, to be comprised of R.S. 17:407.81 through 407.84, and to
10 repeal R.S. 46:1414, 1426, 1429, and 1445 through 1448, relative to early learning
11 center licensing; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 15:587.1(A)(1)(a) is hereby amended and reenacted to read as
14 follows:

15 §587.1 Provision of information to protect children

16 A.(1)(a) As provided in R.S. 15:825.3, R.S. 17:15, **R.S. 17:407.42**, Children's
17 Code Article 424.1, and R.S. 46:51.2 and 1441.13, any employer or others

1 responsible for the actions of one or more persons who have been given or have
 2 applied to be considered for a position of supervisory or disciplinary authority over
 3 children, and as provided in R.S. 46:51.2(A), the Department of Children and Family
 4 Services as employer of one or more persons who have been given or have applied
 5 to be considered for a position whose duties include the investigation of child abuse
 6 or neglect, supervisory or disciplinary authority over children, direct care of a child,
 7 or performance of licensing surveys, shall request in writing that the bureau supply
 8 information to ascertain whether that person or persons have been arrested for or
 9 convicted of, or pled nolo contendere to, any criminal offense. The request must be
 10 on a form prepared by the bureau and signed by a responsible officer or official of
 11 the organization or department making the request. It must include a statement
 12 signed by the person about whom the request is made which gives his permission for
 13 such information to be released.

14 * * *

15 Section 2. R.S. 17:407.26 and Part X-B of Chapter 1 of Title 17 of the Louisiana
 16 Revised Statutes of 1950, comprised of R.S. 17:407.31 through 407.53, are hereby enacted
 17 to read as follows:

18 **§407.26. Federal Funds for the Child Care and Development Fund Programs;**

19 **state Department of Education's authority to receive**

20 **A. Upon transfer of lead agency authority from the state Department of**
 21 **Children and Family Services to the state Department of Education for the**
 22 **Child Care and Development Fund, the state Department of Education may**
 23 **accept and direct the disbursement of funds appropriated by any act of**
 24 **Congress and apportioned to the state for use in connection with any Child Care**
 25 **and Development Fund programs. The state Department of Education shall**
 26 **deposit all such funds received from the federal government with the state**
 27 **treasurer who shall, subject to legislative appropriation, make disbursements**
 28 **upon the recommendation of the state Department of Education. Prior to the**
 29 **transfer of lead agency authority, the state Department of Children and Family**

1 Services shall seek input and approval from the state Department of Education
2 in the development of the Child Care Development Fund state plan or any
3 amendments to such plan prior to its submittal to the federal Department of
4 Health and Human Services.

5 B. The State Board of Elementary and Secondary Education shall
6 promulgate rules and regulations to implement the Child Care and
7 Development Fund State Plan. The state Department of Education shall develop
8 and implement the state plan in accordance with such rules and regulations.

9 C. Prior to the transfer of lead agency authority from the state
10 Department of Children and Family Services to the state Department of
11 Education, the departments shall enter into a cooperative endeavor agreement
12 to insure a coordinated and seamless transition that does not interrupt the
13 provision of state services nor unduly impact the operation or function of either
14 agency. The transition shall occur in such a manner that is cost neutral to the
15 state. The cooperative endeavor agreement entered into by the agencies to
16 facilitate the transfer of the grant and services shall ensure the transfer of funds
17 from the state Department of Education to the state Department of Children
18 and Family Services in an amount sufficient to fully fund the indirect costs of
19 the state Department of Children and Family Services which were previously
20 funded by the Child Care Development Fund, until such time as another
21 funding source is identified by the state Department of Children and Family
22 Services to pay for those indirect costs. This agreement between the state
23 Department of Education and the state Department of Children and Family
24 Services may also allow services to be purchased by the state Department of
25 Education including but not limited to fulfilling grant requirements, data
26 reporting, and services to clients.

27 D. Lead agency authority shall transfer no later than July 1, 2015. The
28 date shall be established in the cooperative endeavor agreement. The
29 cooperative endeavor agreement shall be subject to the review and approval of

1 the Joint Legislative Committee on the Budget.

2 * * *

3 PART X-B. EARLY LEARNING CENTER LICENSING

4 §407.31. Short title

5 This Part may be cited as the "Early Learning Center Licensing Act".

6 §407.32. Legislative intent; declaration of purpose and policy

7 It is the intent of the legislature to protect the health, safety, and
8 well-being of the children of the state who are in out-of-home care on a regular
9 or consistent basis. Toward that end, it is the purpose of this Part to establish
10 statewide minimum standards for the safety and well-being of children in early
11 learning centers, to ensure maintenance of these standards, and to regulate
12 conditions in these centers through a program of licensing. The State Board of
13 Elementary and Secondary Education shall promulgate rules and regulations
14 to implement a program of licensing for early learning centers and the state
15 Department of Education shall administer the licensing program pursuant to
16 such rules and regulations.

17 §407.33. Definitions

18 A. As used in this Part, the following definitions shall apply unless the
19 context clearly states otherwise:

20 (1) "Camp" means any place or facility operated by any institution,
21 society, agency, corporation, person or persons, or any other group which serves
22 only children five years of age or older and operates only when school is not in
23 session during the summer months or school holidays.

24 (2) "Child" means a person who has not reached age eighteen or
25 otherwise been legally emancipated.

26 (3) "Child day care center" means any place or facility operated by any
27 institution, political subdivision, society, agency, corporation, person or persons,
28 or any other group for the purpose of providing care, supervision, and guidance
29 of seven or more children, not including those related to the caregiver,

1 unaccompanied by parent or legal custodian, on a regular basis for at least
2 twelve and one-half hours in a continuous seven-day week. If a child day care
3 center provides transportation or arranges for transportation to and from the
4 center, either directly or by contract with third parties, all hours during which
5 a child is being transported shall be included in calculating the hours of
6 operation. A child day care center that remains open for more than twelve and
7 one-half hours in a continuous seven-day week, and in which no individual child
8 remains for more than twenty-four hours in one continuous stay shall be known
9 as a full-time child day care center. A child day care center that remains open
10 after 9:00 p.m. shall meet the regulations established for nighttime care.

11 (4) "Department" means the Department of Education

12 (5) "Early learning center" means any child day care center, Early Head
13 Start Center, Head Start Center, or stand-alone prekindergarten program not
14 attached to a school.

15 (6) "Head Start and Early Head Start Programs" mean the federal
16 programs that promote the school readiness of children ages birth to five from
17 low-income families.

18 (7) "License type" means the type of license applied for or held, which
19 shall include Type I, Type II, and Type III.

20 (8) "Related" or "relative" means a natural or adopted child or
21 grandchild of the caregiver or a child in the legal custody of the caregiver.

22 §407.34. Requirement of licensure

23 All early learning centers shall be licensed prior to beginning operations
24 in Louisiana. Early learning center licenses shall be of three types: Type I, Type
25 II, and Type III.

26 §407.35. Exemptions from licensure requirements

27 A. Public and nonpublic day schools serving children in grades
28 kindergarten and above, including any prekindergarten programs attached
29 thereto, as well as camps, and care given without charge, shall be exempt from

1 the provisions of this Part.

2 B. A recognized religious organization which is qualified as a tax-exempt
3 organization under Section 501(c) of the Internal Revenue Code, which remains
4 open for not more than twenty-four hours in a continuous seven-day week, and
5 in which no individual child remains for more than twenty-four hours in one
6 continuous stay shall not be considered an early learning center for the
7 purposes of this Part.

8 C. Nothing in this Part shall apply to children in programs licensed or
9 operated by the Department of Health and Hospitals or the Department of
10 Children and Family Services.

11 §407.36. Types of Licenses

12 A. A "Type I license" is the type of license issued to an early learning
13 center that is owned or operated by a church or religious organization that is
14 qualified as a tax exempt organization under Section 501(c) of the Internal
15 Revenue Code and that receives no state or federal funds from any source,
16 whether directly or indirectly. A "Type I license" is also the type of license
17 issued to an early learning center holding a "Class B" license prior to the
18 effective date of this Part.

19 (1) No early learning center holding a Type I license shall receive any
20 state or federal funds, from any source, whether directly or indirectly.

21 (2) If an early learning center holding a Type I license receives any state
22 or federal funds, its license shall be automatically revoked.

23 B. A "Type II license" is the type of license issued to an early learning
24 center that either receives no state or federal funds from any source, whether
25 directly or indirectly, or whose only source of state or federal funds is from the
26 United States Department of Agriculture's food and nutrition programs,
27 hereinafter referred to in this Part as "federal food and nutrition programs".

28 (1) No early learning center holding a Type II license shall receive any
29 state or federal funds, from any source, whether directly or indirectly, other

1 than those funds received solely for federal food and nutrition programs.

2 (2) If an early learning center holding a Type II license receives any state
3 or federal funds, whether directly or indirectly, other than those received solely
4 for federal food and nutrition programs, its license shall be automatically
5 revoked.

6 C. A "Type III license" is the type of license issued to any early learning
7 center which receives state or federal funds, directly or indirectly, from any
8 source other than the federal food and nutrition programs. Type III early
9 learning centers shall meet the performance and academic standards of the
10 Early Childhood Care and Education Network regarding kindergarten
11 readiness as determined by the State Board of Elementary and Secondary
12 Education.

13 D. Nothing in this Section shall prevent an early learning center
14 otherwise qualified for a Type I license to voluntarily seek a Type II or Type III
15 license, or an early learning center otherwise qualified for a Type II license to
16 voluntarily seek a Type III license, provided that such early learning center
17 meets the standards set forth for such license.

18 §407.37. Operating without a license; penalties

19 A. Whoever operates any early learning center without a valid license
20 issued by the department shall be fined by the department not less than one
21 thousand dollars for each day of such offense.

22 B. If any early learning center operates without a valid license issued by
23 the department, the department may file suit in the district court in the parish
24 in which the center is located for injunctive relief, including a temporary
25 restraining order, to restrain the institution, agency, corporation, person or
26 persons, or any other group operating the center from continuing the violation.

27 §407.38. Transitional provisions; applicable regulations

28 A. Until such time as rules are promulgated by the State Board of
29 Elementary and Secondary Education to implement the types of licenses

1 required by R.S. 17:407.36, early learning centers shall continue to follow the
2 administrative rules contained in the Louisiana Administrative Code for the
3 licensure of Class A and Class B child care facilities.

4 B. The administrative rules contained in the Louisiana Administrative
5 Code promulgated by the Department of Children and Family Services which
6 govern or are applicable to the programs and operations transferred from the
7 Department of Children and Family Services to the Department of Education
8 by this Act shall continue to be effective until the Board of Elementary and
9 Secondary Education promulgates rules to implement the types of licenses
10 required by R.S. 17:407.36.

11 C. Upon promulgation by the State Board of Elementary and Secondary
12 Education of rules to implement the three types of licenses:

13 (1) All existing early learning centers possessing a Class B license shall
14 be issued a Type I license as provided by rule, unless the center meets the
15 definition of a Type II license, in which case it shall be issued a Type II license
16 as provided by rule.

17 (2) All existing early learning centers possessing a Class A license that
18 meet the definition of a Type II license shall be issued a Type II license as
19 provided by rule.

20 (3) All existing early learning centers possessing a Class A license that
21 meets the definition of a Type III license shall be issued a Type III license as
22 provided by rule.

23 D. Any early learning center that intends to change its license type at any
24 time during the following calendar year shall apply for a new license no later
25 than December first of the preceding year. This Subsection shall not apply to
26 early learning centers changing location or ownership that are required to apply
27 for a new license.

28 §407.39. Licenses; application; temporary or provisional; fees

29 A. Application for licensure of a new early learning center shall be made

1 by the center to the department using forms furnished by the department. Upon
2 receipt of an application for a license and verification that minimum
3 requirements for such license as established by rule are satisfied, and upon
4 verifying that the center is in compliance with all applicable state and local laws
5 and regulations, the department shall issue a Type I, Type II, or Type III license
6 for such period as may be provided for by rule.

7 B. The State Board of Elementary and Secondary Education may
8 provide by rule for the issuance of temporary, provisional, or extended licenses
9 for each license type if a disapproval has not been received from any state or
10 local agency authorized by any laws or rules to inspect or approve such centers.

11 C. A license of any type shall apply only to the location stated on the
12 application, and such license, once issued, shall not be transferable from one
13 person to another or from one location to another. If the location or ownership
14 of the center is changed, then the license shall be automatically revoked.

15 D. Each licensed center shall display its license in a prominent place at
16 the center.

17 E. There shall be an annual license fee for each type of early learning
18 center in an amount equal to the annual license fee in effect for all Class A and
19 Class B child care facilities possessing such license upon the effective date of this
20 Section, without an increase in the amount of such fees.

21 F. There shall be an annual license fee of twenty-five dollars for any
22 license issued to an early learning center providing care for fifteen or fewer
23 children; one hundred dollars for any license issued to an early learning center
24 providing care for at least sixteen but no more than fifty children; one hundred
25 seventy-five dollars for any license issued to an early learning center providing
26 care for at least fifty-one but no more than one hundred children; and two
27 hundred fifty dollars for any license issued to an early learning center providing
28 care for more than one hundred children.

29 G. The annual licensure fees provided in this Section shall not apply to

1 **Type I early learning centers.**

2 **H. Annual fees for any type or category of license shall not be increased**
3 **unless expressly authorized by statute as provided in Article VII, Section 2.1 of**
4 **the Constitution of Louisiana.**

5 **§407.40. Rules, regulations and standards for licenses**

6 **A. The State Board of Elementary and Secondary Education shall**
7 **promulgate regulations for each type of license which, at a minimum, shall**
8 **accomplish all of the following:**

9 **(1) Promote the health, safety, and welfare of children attending any**
10 **early learning center.**

11 **(2) Promote safe and proper physical facilities at all early learning**
12 **centers.**

13 **(3) Ensure adequate supervision of those attending early learning**
14 **centers.**

15 **(4) Ensure adequate and healthy food service in early learning centers**
16 **where food is offered.**

17 **(5) Prohibit discrimination on the basis of race, color, creed, sex, national**
18 **origin, handicap, ancestry, or whether the child is being breastfed. However,**
19 **nothing in this Paragraph shall be construed to affect, limit, or otherwise**
20 **restrict the hiring or admission policies of an early learning center owned by a**
21 **church or religious organization, or prohibit such a center from giving**
22 **preference in hiring or admission to members of the church or denomination.**

23 **(6) Include procedures for the receipt, recordation, and disposition of**
24 **complaints.**

25 **B.(1) Every early learning center approved for licensure by the**
26 **department shall be required to have all of the following:**

27 **(a) Approval from the Office of State Fire Marshal.**

28 **(b) Approval from the Department of Health and Hospitals.**

29 **(2) Each Type III early learning center shall also be required to obtain**

1 approval from the department of adherence to the performance and academic
2 standards of the Early Childhood Care and Education Network regarding
3 kindergarten readiness as determined by the State Board of Elementary and
4 Secondary Education. The department shall base its approval upon the uniform
5 accountability system as promulgated by the State Board of Elementary and
6 Secondary Education.

7 C. The State Board of Elementary and Secondary Education shall
8 conduct a comprehensive review of all standards, rules, and regulations for all
9 licenses every three years.

10 D. The State Board of Elementary and Secondary Education, upon
11 request by the department, may waive compliance with a licensing minimum
12 standard upon determination that the economic impact is sufficiently great to
13 make compliance impractical, as long as the health and well-being of the staff
14 or children is not imperiled. If it is determined that the early learning center is
15 meeting or exceeding the intent of a standard or regulation, the standard or
16 regulation may be deemed to be met.

17 E. Nothing in the rules, regulations, and standards adopted pursuant to
18 this Section shall authorize or require medical examination, immunization, or
19 treatment of any child whose parents object to such examination, immunization,
20 or treatment.

21 **§407.41. State Central Registry Disclosure Requirement**

22 A. No individual whose name is recorded on the state central registry
23 within the Department of Children and Family Services as a perpetrator for a
24 justified finding of abuse or neglect of a child shall own or operate a licensed
25 early learning center or shall be hired by a licensed early learning center as an
26 employee or volunteer of any kind, including any therapeutic professionals,
27 extracurricular personnel, and other independent contractors, unless there is
28 a finding by the Department of Children and Family Services that the
29 individual does not pose a risk to children.

1 **B. Any owner, operator, current or prospective employee, or volunteer**
2 **of a licensed early learning center shall report annually, and at any time upon**
3 **the request of the department, on the state central registry disclosure form**
4 **promulgated by the Department of Children and Family Services, whether or**
5 **not his name is currently recorded on the state central registry for a justified**
6 **finding of abuse or neglect and he is the named perpetrator.**

7 **C. Any such current or prospective employee or volunteer of a licensed**
8 **early learning center shall submit the state central registry disclosure form to**
9 **the owner or operator of the facility, who shall maintain the documents in**
10 **accordance with current licensing requirements. Any state central registry**
11 **disclosure form that is maintained in an early learning center licensing file shall**
12 **be confidential and subject to the confidentiality provisions of R.S. 46:56(F)**
13 **pertaining to the investigations of abuse and neglect.**

14 **D. Any owner, operator, current or prospective employee, or volunteer**
15 **of a licensed early learning center who knowingly falsifies the information on**
16 **the state central registry disclosure form shall be guilty of a misdemeanor**
17 **offense and shall be fined not more than five hundred dollars, or imprisoned for**
18 **not more than six months, or both.**

19 **E. Any owner, operator, current or prospective employee, or volunteer**
20 **of a licensed early learning center who discloses that he is currently recorded**
21 **on the state central registry for a justified finding of abuse or neglect shall be**
22 **entitled to a risk assessment evaluation provided by the Department of Children**
23 **and Family Services to determine whether the individual poses a risk to**
24 **children. Any such individual who is determined to pose a risk to children shall**
25 **have the right to file an appeal in accordance with R.S. 49:992 of the**
26 **Administrative Procedure Act. Any such determination shall be kept on file at**
27 **all times by the Department of Children and Family Services.**

28 **§407.42. Criminal History Review**

29 **A. No person who has been convicted of or has pled nolo contendere to**

1 a crime listed in R.S. 15:587.1(C) shall directly or indirectly own, operate, or
2 participate in the governance of an early learning center, or shall be hired by
3 any early learning center as a volunteer or employee of any kind, including any
4 therapeutic professionals, extracurricular personnel, and other independent
5 contractors, or shall be hired by the department in a position whose duties
6 include the performance of licensing inspections in early learning centers.

7 B.(1) The State Board of Elementary and Secondary Education shall
8 establish by regulation, requirements and procedures consistent with the
9 provisions of R.S. 15:587.1 under which:

10 (a) The owner or operator of an early learning center may request
11 information concerning whether or not any owner or volunteer, applicant, or
12 employee of any kind including contractors, of an early learning center has been
13 arrested for or convicted of or pled nolo contendere to any criminal offense.

14 (b) The department may request information concerning whether or not
15 an applicant or employee of the department in a position whose duties include
16 the performance of licensing inspections has been arrested for or convicted of
17 or pled nolo contendere to any criminal offense.

18 (2) Included in this regulation shall be the requirement and the
19 procedure for the submission of a person's fingerprints in a form acceptable to
20 the Louisiana Bureau of Criminal Identification and Information prior to
21 employment of such person. A person who has submitted his fingerprints to the
22 Louisiana Bureau of Criminal Identification and Information may be
23 temporarily hired pending the report from the bureau as to any convictions of
24 or pleas of nolo contendere by the person to a crime listed in R.S. 15:587.1(C).

25 §407.43. Inspections

26 It shall be the duty of the department, through its duly authorized
27 agents, to inspect at regular intervals not to exceed one year, and as deemed
28 necessary by the department, and without previous notice, all early learning
29 centers subject to the provisions of this Part. The department shall also develop

1 and facilitate coordination with and among other authorized agencies making
2 inspections at regular intervals. The early learning centers shall be open to
3 inspection by authorized inspection personnel and by parents or legal
4 custodians of children in care only during working hours.

5 §407.44. Denial, refusal to renew, or revocation of license; written notice

6 The department shall have the power to deny, revoke, or refuse to renew
7 a license for an early learning center if an applicant has failed to comply with
8 the provisions of this Part or any applicable, published rule or regulation of the
9 State Board of Elementary and Secondary Education relating to early learning
10 centers. If a license is denied or revoked, or renewal is refused, the action shall
11 be effective when made, and the department shall notify the applicant or
12 licensee of such action in writing immediately, and of the reason for the denial
13 or revocation, or refusal to renew the license.

14 §407.45. Denial, refusal to renew, or revocation of license; appeal procedure

15 A. Upon the refusal of the department to grant or renew a license or
16 upon the revocation of a license, the applicant or licensee having been refused
17 a license or renewal, or having had a license revoked shall have the right to
18 appeal such action to the division of administrative law by submitting a written
19 request for an appeal to the department within thirty calendar days after
20 receipt of the notification of the refusal to grant a license, or within fifteen
21 calendar days after receipt of the notification of the refusal to renew or
22 revocation. The department shall notify the division of administrative law
23 within ten calendar days of receipt of a request for an appeal and the appeal
24 hearing shall be held no later than thirty calendar days after such notice, with
25 an administrative ruling no later than fifteen calendar days from the date of a
26 hearing for revocation or refusal to renew a license, or within thirty days from
27 the date of a hearing for the denial of a new license. This provision shall in no
28 way preclude the right of the party to seek relief through mandamus suit
29 against the department, as provided by law.

1 **B. Notwithstanding any law, rule, regulation, or provision to the**
2 **contrary, including but not limited to R.S. 49:964(A)(2), the department shall**
3 **be entitled to seek judicial review from any final decision or order rendered by**
4 **the division of administrative law in any appeal hearing arising under this Part.**
5 **The venue of judicial review shall be the district court of the parish in which the**
6 **licensee is located.**

7 **§407.46. Operating in violation of regulations; penalties and fines**

8 **A. (1) For violations related to supervision, criminal history record**
9 **checks, the state central registry disclosure form, staff-to-child ratios, motor**
10 **vehicle checks, or failure to report critical incidents, the department may issue**
11 **a written warning that includes a corrective action plan, in lieu of revocation,**
12 **upon any person or entity violating these requirements if such condition or**
13 **occurrence does not pose an imminent threat to the health, safety, rights, or**
14 **welfare of a child. Failure to implement a corrective action plan issued pursuant**
15 **to this Section may result in either the assessment of a civil fine or license**
16 **revocation or may result in both actions being taken by the department. Such**
17 **civil fine shall not exceed two hundred fifty dollars per day for each assessment;**
18 **however, the aggregate fines assessed for violations determined in any**
19 **consecutive twelve-month period shall not exceed two thousand dollars.**

20 **(2) The State Board of Elementary and Secondary Education shall adopt**
21 **rules in accordance with the Administrative Procedure Act that articulate**
22 **factors in determining the type of sanction imposed including the severity of**
23 **risk, the actual harm and mitigating circumstances, the failure to implement a**
24 **written corrective action plan, the history of noncompliance, an explanation of**
25 **the treatment of continuing and repeat deficiencies, evidence of a good faith**
26 **effort to comply, and any other relevant factors. The authority to impose**
27 **sanctions pursuant to this Section shall commence on the effective date of the**
28 **rules promulgated pursuant to this Section.**

29 **B. The State Board of Elementary and Secondary Education shall adopt**

1 rules and regulations in accordance with the Administrative Procedure Act to
2 provide for notice to the early learning center of any violation, for a
3 departmental reconsideration process for sanctions issued, and for an appeal
4 procedure including judicial review. Such appeal shall be suspensive. All
5 appeals pursuant to this Subsection shall be heard by the division of
6 administrative law pursuant to Chapter 13-B of Title 49 of the Louisiana
7 Revised Statutes of 1950. The division shall furnish to the facility or agency a
8 copy of the decision, together with notice of the manner for requesting judicial
9 review. During the pendency of an appeal, an early learning center may
10 continue to receive funding for services provided to those eligible children as
11 determined by the department.

12 C. The department may institute any necessary civil court action to
13 collect fines imposed and not timely appealed. No child care facility shall claim
14 imposed fines as reimbursable. Interest shall begin to accrue at the current
15 judicial rate on the day following the date on which any fines become due and
16 payable. All costs of any successful action to collect such fines, including travel
17 expenses and reasonable attorney fees, shall be awarded to the department in
18 addition to the fines.

19 D.(1) Civil fines collected pursuant to the provisions of this Section shall
20 be deposited immediately into the treasury.

21 (2) After compliance with the requirements of Article VII, Section 9(B)
22 of the Constitution of Louisiana relative to the Bond Security and Redemption
23 Fund, and prior to the monies being placed in the state general fund, an amount
24 equal to the amount deposited as provided in Paragraph (1) of this Subsection
25 shall be credited to a special fund hereby created in the state treasury to be
26 known as the "Early Learning Center Licensing Trust Fund", hereinafter
27 referred to as "the fund". The monies in the fund shall be subject to annual
28 appropriation and shall be available exclusively for use by the department for
29 the education and training of employees, staff, or other personnel of child care

1 facilities.

2 (3) The monies in the fund shall be invested by the treasurer in the same
3 manner as the monies in the state general fund, and all interest earned from the
4 investment of monies in the fund shall be deposited in and remain to the credit
5 of the fund. All unexpended and unencumbered monies remaining in the fund
6 at the end of the fiscal year shall remain in the fund.

7 §407.47. Complaints against centers

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

13 §407.48. Disclosure of center information

14 A. The department shall make available, upon written request of a
15 parent or legal custodian of any child who has applied for placement in an early
16 learning center licensed by the department, the following information relative
17 to such early learning center:

18 (1) Any violations of standards, rules, or regulations in the prior twelve
19 months.

20 (2) Any waivers of minimum standards authorized for such early
21 learning center.

22 B. Requests may be sent by email, facsimile, or mail and shall include the
23 name of each early learning center for which information is requested.

24 C. Early learning centers shall make available to parents or legal
25 custodians information on how to view or obtain copies of early learning center
26 licensing inspections from the department's website.

27 §407.49. Parent-child relationship

28 The State Board of Elementary and Secondary Education and the
29 department shall not interfere with the parent-child relationship regarding the

1 religious training of a child, where all of the following conditions are met:

2 (1) The parent or legal custodian has enrolled their child in a child care
3 facility, including but not limited to a child residential facility, operated by a
4 religious, nonprofit organization which is exempt from federal income taxes
5 pursuant to 26 U.S.C. 501(c)(3).

6 (2) Where, as a condition of enrollment, the child is required to attend
7 religious services or classes and the parent or legal custodian of the child agrees
8 to such condition.

9 §407.50. Immunization information; influenza

10 A. Each licensed early learning center, before November first of each
11 year, shall make available to each child's parent or legal custodian information
12 relative to the risks associated with influenza and the availability, effectiveness,
13 known contraindications and possible side effects of the influenza
14 immunization. Such information shall include the causes and symptoms of
15 influenza, the means by which influenza is spread, and the places where a
16 parent or legal custodian may obtain additional information and where a child
17 may be immunized against influenza. Such information shall be updated
18 annually if new information on such disease is available.

19 B. (1) The Department of Health and Hospitals shall develop and provide
20 information on influenza immunization to the department. The department
21 shall provide such information to each licensed early learning center, which
22 shall make the information available to each child's parent or legal custodian
23 pursuant to Subsection A of this Section.

24 (2) The Department of Health and Hospitals and the department shall
25 determine respectively the most cost-effective and efficient means of
26 distributing such information.

27 C. The department, in consultation with the Department of Health and
28 Hospitals, shall establish by rules and regulations all guidelines and procedures
29 for carrying out the provisions of this Section in accordance with the

1 Administrative Procedure Act.

2 D. Nothing in this Section shall be construed to require any licensed early
3 learning center, the department, or the Department of Health and Hospitals to
4 provide or pay for immunizations against influenza.

5 §407.51. Advisory Council

6 A. The board shall establish an Advisory Council on Early Childhood
7 Care and Education that shall consist of the following members:

8 (1) Two representatives of Type III early learning centers, selected by the
9 state superintendent of education.

10 (2) One representative of a Type II early learning center, selected by the
11 state superintendent of education.

12 (3) One representative of a Type I early learning center, selected by the
13 state superintendent of education.

14 (4) Two representatives of Head Start programs, one of which shall be
15 operated by a local education agency and selected by the state board, and one
16 of which shall be operated by a nonlocal education agency and selected by the
17 state superintendent of education.

18 (5) Two representatives of local education agencies operating publicly
19 funded early childhood programs other than Head Start, selected by the state
20 board.

21 (6) Two representatives of Louisiana nonprofit advocacy organizations
22 having a focus on early childhood education, selected by the state
23 superintendent.

24 (7) Two representatives of approved nonpublic schools with publicly
25 funded early childhood care and education programs, selected by the state
26 board.

27 (8) One professional or faculty member having child development or
28 early childhood education expertise from a Louisiana post-secondary education
29 institution, selected by the commissioner of higher education.

1 **(9) The president of the Louisiana Chapter of the American Academy of**
2 **Pediatrics, or his designee.**

3 **(10) One representative of an advocacy or service organization that**
4 **focuses on serving children with disabilities, selected by the state**
5 **superintendent.**

6 **(11) One representative of a Louisiana business or community**
7 **organization, selected by the state board.**

8 **(12) One parent of a child currently enrolled in a publicly funded early**
9 **learning center or prekindergarten program, selected by the state board.**

10 **B. The council shall include nonvoting exofficio members who may**
11 **advise and contribute to discussions pertaining to early childhood care and**
12 **education, including but not limited to the following:**

13 **(1) The chairmen of the House Committee on Education, Senate**
14 **Committee on Education, House Committee on Health and Welfare, and Senate**
15 **Committee on Health and Welfare, or their designee.**

16 **(2) The secretary of the Department of Children and Family Services or**
17 **his designee.**

18 **(3) The state director of the Head Start Collaboration.**

19 **(4) A representative of the state agency responsible for programs under**
20 **Section 619 or Part C of the Individuals with Disabilities Education Act (20**
21 **U.S.C. 1419, 1431 et seq.).**

22 **(5) The director of the Maternal Child Health Program at the**
23 **Department of Health and Hospitals.**

24 **(6) The director of the Child and Adult Care Food Program at the**
25 **Department of Education.**

26 **(7) The Louisiana State Fire Marshal, or his designee.**

27 **(8) A representative from the Office of Sanitarian Services at the**
28 **Department of Health and Hospitals.**

29 **(9) A representative from the Louisiana Workforce Commission.**

1 **(10) A representative from the Louisiana State Police Bureau of**
2 **Criminal Identification.**

3 **C. The council shall serve in an advisory capacity to the board and shall**
4 **comply with the Open Meetings Law.**

5 **D. The chair shall be elected by the voting members of the council.**

6 **E. Council members shall not receive compensation or a per diem for**
7 **their services or attendance at council meetings.**

8 **F. The Department of Education shall provide staff support for the**
9 **council, including but not limited to the scheduling of meetings, providing**
10 **public notice of scheduled meetings, and including information about the**
11 **council and its meeting minutes on its website. Council meeting minutes shall**
12 **be provided to the state board at its next regularly scheduled meeting.**

13 **G. The council shall meet at least quarterly, with the meetings to be**
14 **called by the chair or the state superintendent as needed. The chair shall set the**
15 **agenda.**

16 **H. The council shall provide input and guidance to the board and the**
17 **Department of Education on matters pertaining to the development and**
18 **implementation of rules, regulations, bulletins, policies or standards related to**
19 **all publicly funded early care and education programs, including early learning**
20 **centers, enrollment in early learning centers, the Cecil J. Picard LA4 Early**
21 **Childhood Program, the Child Care Development Fund Block Grant or the**
22 **Child Care Assistance Program, Early Head Start and Head Start.**

23 **I. Prior to its submission to the United States Department of Health and**
24 **Human Services, the department shall consult and provide a draft of the state**
25 **plan for the Child Care and Development Fund and its budget, and any**
26 **amendments to the state plan including budget revisions, and provide an**
27 **opportunity for the council to make recommendations. Recommendations**
28 **made by the council shall be reported to the state board.**

29 **J. Prior to the board's consideration of any rule or standard related to**

1 early learning centers, enrollment in early learning centers, the Cecil J. Picard
2 LA4 Early Childhood Program, the Child Care and Development Fund Block
3 Grant or the Child Care Assistance Program, the department shall consult with
4 and provide a draft of the proposed rules to the council, and provide an
5 opportunity for the council to make recommendations. Recommendations
6 made by the council shall be reported to the state board prior to their adoption.
7 Nothing herein shall prevent the board from adopting an emergency rule
8 pursuant to the Administrative Procedure Act. The provisions of this
9 Subsection shall not apply to the adoption of emergency rules.

10 K. The department shall provide quarterly reports on the
11 implementation and progress, activities and status of the Early Care and
12 Education Network, including the creation and implementation of an
13 accountability system for early care and education programs and the transition
14 of the Child Care Development Block Grant and licensure to the Department
15 of Education. Any recommendations by the council shall be reflected in meeting
16 minutes.

17 L. The department shall provide the council with reports not less than
18 annually of the following activities, provided that data is available, pursuant to
19 a schedule agreed upon by the chair and the state superintendent of education:

20 (1) A description of each publicly funded early care and education
21 program, including the eligibility criteria, the program requirements, average
22 number of hours and days of the program, and the amount of total funding and
23 source of funding for each program. The description shall also include a specific
24 description of the fee structure for the Child Care Assistance Program.

25 (2) The number of children served in each publicly funded early
26 childhood care and education program in Louisiana, broken down by the age
27 of the child and amount of public funding per child per program.

28 (3) The number of early learning centers by each licensing type and at
29 each quality level as determined by the accountability system then in place, and

1 the number of children served at each age in each type at each quality level.

2 (4) Description of the training and support provided to each program
3 and the amount of funding for this by program and source of funds.

4 (5) Description of unmet family demand for early care and education in
5 Louisiana.

6 (6) Description of the goals for the upcoming fiscal year for early care
7 and education in Louisiana, including outcome indicators that will be used to
8 measure progress, and a description of the progress made in achieving the
9 previous year's goals.

10 (7) Description and results of any evaluations of the early care and
11 education programs in the state.

12 (8) Description of the early care and education workforce, including an
13 analysis of the status of the current early care and education workforce,
14 including demographics, certifications and education levels, participation and
15 level on any professional development ladder, and the participation in any
16 teacher tax credits. The description shall also include information about
17 salaries and benefits, and a comparison of these to similarly qualified employees
18 in other but related fields, and an analysis of the workforce capacity necessary
19 to meet the state's early care and education needs.

20 M. Any reports provided by the department and any council
21 recommendations shall be including in meeting minutes.

22 §407.52. Coordination

23 The Department of Education shall coordinate with the office of state fire
24 marshal and the Department of Health and Hospitals to align standards for
25 licensing of early learning centers with the standards for early childhood
26 education programs.

27 §407.53. Rules

28 The State Board of Elementary and Secondary Education shall
29 promulgate rules and regulations in accordance with the provisions of the

1 **Administrative Procedure Act to carry out the provisions of this Part.**

2 Section 3. Part X-C of Chapter 1 of Title 17 of the Louisiana Revised Statutes of
3 1950, comprised of R.S. 17:407.61 through 407.72, and Part X-D of Chapter 1 of Title 17
4 of the Louisiana Revised Statues of 1950, comprised of R.S. 17:407.81 through 407.84, are
5 hereby enacted to read as follows:

6 **PART X-C. Family Child Day Care Home Registration Law**

7 **§407.61. Short title**

8 **This Part may be cited as the "Family Child Day Care Home**
9 **Registration Law".**

10 **§407.62. Definitions**

11 **As used in this Part, the following definitions shall apply unless the**
12 **context clearly states otherwise.**

13 **(1) "Child" means a person who has not reached the age of eighteen**
14 **years. The words "child" and "children" are used interchangeably in this Part.**

15 **(2) "Child and Adult Care Food Program" means the federal nutrition**
16 **reimbursement program as funded by the federal Department of Agriculture**
17 **through the state Department of Education.**

18 **(3) "Child Care and Development Fund" means the child care programs**
19 **funded through the federal Child Care and Development Fund Block Grant Act**
20 **and administered by the state Department of Education.**

21 **(4) "Department" means the Department of Health and Hospitals or the**
22 **Department of Education, as indicated by the context.**

23 **(5) "Family child day care home" means any place, facility, or home**
24 **operated by any institution, society, agency, corporation, person or persons, or**
25 **any other group for the primary purpose of providing care, supervision, and/or**
26 **guidance of six or fewer children.**

27 **(6) "Relative" or "related" means the child, grandchild, niece or nephew**
28 **of the primary child care provider in a family child day care home.**

29 **§407.63. Requirement for registration; exemptions**

1 A. All family child day care homes that receive state or federal funds,
2 directly or indirectly, shall be registered.

3 B. Family child day care homes that do not receive state or federal funds,
4 directly or indirectly, and individuals who provide care for only related family
5 members, shall not be required to be registered.

6 C. All family child day care homes shall be registered prior to receiving
7 any state or federal funds, directly or indirectly.

8 §407.64. Rules and regulations; inspection requirements

9 A. The Department of Health and Hospitals shall promulgate rules and
10 regulations in accordance with the Administrative Procedure Act to carry out
11 the provisions of this Part for all family child day care homes which receive
12 state or federal funds except those family child day care homes which
13 participate in the federal Child and Adult Care Food Program and/or the Child
14 Care and Development Fund.

15 B. The Department of Education shall promulgate rules and regulations
16 in accordance with the Administrative Procedure Act to carry out the
17 provisions of this Part for those family child day care homes that participate in
18 the federal Child and Adult Care Food Program or the Child Care and
19 Development Fund.

20 C. A family child day care home shall be inspected and approved by the
21 office of state fire marshal in accordance with the rules and regulations as
22 established under Subsections A and B of this Section, developed in consultation
23 with the office of state fire marshal.

24 §407.65. Inspections

25 The Department of Education, through its duly authorized agents, shall
26 reserve the right to visit and inspect registered family child day care homes as
27 deemed necessary by the department. All family child day care homes shall be
28 open to inspection by the department, parents, and by other authorized
29 inspection personnel during normal working hours or when children are in

1 care.

2 §407.66. Fees

3 A. (1) The office of state fire marshal shall have the authority to charge
4 each family child day care home applying for registration or renewal of
5 registration an annual fee for services. This fee shall be adopted in accordance
6 with the Administrative Procedure Act.

7 (2) A fee shall be charged to cover the cost of inspection for family child
8 day care homes regulated by the Department of Education in accordance to R.S.
9 17:407.64(B). The fee shall be set at thirty dollars per inspection and used for
10 the sole purpose of employing personnel to perform such inspections.

11 B. The office of state fire marshal shall transfer sufficient funds to the
12 Department of Health and Hospitals or the Department of Education for those
13 family child day care homes which receive state or federal funds but do not
14 participate in the federal Child and Adult Care Food Program to carry out the
15 registration process in accordance with this Part.

16 §407.67. Revocation or refusal to renew registration; written notice

17 The authorized department shall have the authority to deny, revoke, or
18 refuse to renew a registration of a registered family child day care home if an
19 applicant has failed to comply with the provisions of this Part, any applicable
20 published rule or regulation relating to registered family child day care homes,
21 or any other state, federal, or local rule or regulation. If a registration is denied,
22 revoked, or withdrawn, the action shall be effective when made and the family
23 child day care home shall be notified in writing. This notice shall give the reason
24 for denial, revocation, or withdrawal of the registration.

25 §407.68. Revocation or refusal of registration; appeal procedure

26 Upon the refusal of the department to grant or renew a registration or
27 upon the revocation of a registration, the family child day care home having
28 been refused a registration or renewal or having had a registration revoked
29 shall have the right to appeal such action to the division of administrative law

1 by submitting a written request for an appeal to the department within thirty
2 calendar days after receipt of the notification of the refusal or revocation. The
3 department shall notify the division of administrative law within ten calendar
4 days of receipt of a request for an appeal and the appeal hearing shall be held
5 no later than thirty calendar days after such notice, with an administrative
6 ruling no later than thirty calendar days from the date of the hearing. This
7 provision shall in no way preclude the right of the party to seek relief through
8 mandamus suit against the department, as provided by law.

9 §407.69. Operating without or in violation of registration; penalty; injunctive
10 relief

11 A. Whoever operates a family child day care home required to be
12 registered under this Part without a valid registration issued by the department
13 shall be fined not less than twenty-five dollars nor more than one hundred
14 dollars. Each day of operation in violation of the requirements of this Part shall
15 constitute a separate offense.

16 B. The department may also file suit in the district court in the parish in
17 which the family child day care home is located for injunctive relief, including
18 a temporary restraining order, to restrain the family child day care home from
19 continuing the violation.

20 §407.70. Notification of health and safety violations

21 The department shall notify the appropriate agencies if it is determined
22 that one or more violations exist within a family child day care home which
23 place the health and well-being of a child or children in imminent danger.

24 §407.71. Grounds for revocation or refusal to renew registration; criminal
25 activities; lack of CPR or first aid training

26 A. No family child day care home may have in its employ, or living in the
27 home, any person who has been convicted of or pled nolo contendere to a crime
28 listed in R.S. 15:587.1(C). The cost of any criminal background check which
29 may be required by the department as proof of compliance with this Subsection

1 shall be the responsibility of the family child day care home.

2 B. The primary child care provider of any family child day care home
3 shall have documented current certification in either Infant/Child CPR or
4 Infant/Child/Adult CPR.

5 C. The department may deny, revoke, or refuse to renew any registration
6 of a family child day care home which violates the provisions of this Section.

7 D. The provisions of this Section shall not apply to a family child day
8 care home in which the primary child care provider at such home is related to
9 all the children receiving child care at such home.

10 E. The provisions of this Section shall not apply to a family child day
11 care home registered with the Department of Education solely for participation
12 in the federal Child and Adult Care Food Program.

13 §407.72. Orientation

14 A. All family child day care home providers receiving payments from the
15 Department of Education shall be required to participate in a four-hour
16 orientation. The orientation curriculum shall include but not be limited to the
17 following subjects: record keeping; immunization schedules and requirements;
18 recognizing signs of child abuse; child abuse prevention; communicating with
19 parents; age appropriate activities for young children; child development; child
20 safety; and nutritional needs of children. The orientation will count toward the
21 required hours of professional development training mandated by the
22 Department of Education.

23 B. New family child day care home providers are required to provide
24 proof of orientation participation within twelve months after beginning
25 operation. New providers, at the time of application, are required to sign an
26 agreement committing to attend the required orientation within twelve months.

27 PART X-D. Early Learning Staff

28 §407.81. Legislative intent; declaration of policy

29 It is the intent of the legislature to protect the health, safety, and well-

1 being of the children of the state who are in out-of-home care on a regular or
 2 consistent basis. To that end, it shall be the policy of the state to ensure
 3 protection of children in care by encouraging early learning staff to obtain
 4 certification through early childhood educational training programs.

5 §407.82. Definitions

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

7 (1) "Early learning staff" means a person employed as a full-time staff
 8 member in a licensed early learning center or a registered family child day care
 9 home.

10 (2) "Department" means the Department of Education.

11 §407.83. Early learning staff; training

12 Early learning staff who participate in an early childhood educational
 13 training program approved by the department may be eligible for a scholarship
 14 funded by the state. Such scholarship shall be awarded only if funds are
 15 appropriated by the federal government for such purpose.

16 §407.84. Departmental duties and responsibilities

17 A. The department shall administer the provisions of this Part, and shall
 18 be responsible for all matters pertaining to establishing the scholarship amount
 19 and the method of payment to eligible early learning staff.

20 B. The department shall develop guidelines and procedures to implement
 21 the provisions of this Part, and to establish the amount of scholarships. The
 22 guidelines for determining the scholarship amount may consider the number of
 23 training hours earned, the type of training selected, the cost of the training to
 24 early learning staff, the benefit of the training to the state and to the children
 25 served, and other points considered essential by the department.

26 Section 4. R.S. 36:474(A)(11) and 477(B)(1) are hereby amended and reenacted to
 27 read as follows:

28 §474. Powers and duties of the secretary of the Department of Children and Family

29 Services

1 perform the functions of the state relating to the licensing of ~~child care facilities that~~
 2 ~~do not receive federal funds under Title XIX of the Social Security Act and day care~~
 3 ~~centers and agencies~~ **facilities regulated under Chapter 14 of Title 46 of the**
 4 **Louisiana Revised Statutes of 1950.** The office shall issue and monitor domestic
 5 violence services contracts.

6 * * *

7 Section 5. R.S. 46:1401, 1402, 1402.1, 1403, 1404(A), 1405, 1406, 1407, 1414.1,
 8 1415, 1417, 1418(A), 1419, 1420(A), 1421, 1422, 1423, 1427, 1428, and 1430 are hereby
 9 amended and reenacted to read as follows:

10 CHAPTER 14. ~~CHILD CARE FACILITIES AND~~
 11 ~~CHILD-PLACING AGENCIES~~ **LICENSING SPECIALIZED PROVIDERS**

12 §1401. Short title

13 This Chapter may be cited as the "~~Child Care Facility and Child-Placing~~
 14 ~~Agency~~ **Specialized Provider** Licensing Act."

15 §1402. Legislative intent; declaration of purpose and policy

16 It is the intent of the legislature to protect the health, safety, and well-being
 17 of the children of the state who are in out-of-home care on a regular or consistent
 18 basis. Toward that end, it is the purpose of this Chapter to establish statewide
 19 minimum standards for the safety and well-being of children, to insure maintenance
 20 of these standards, and to regulate conditions in these facilities through a program
 21 of licensing. It shall be the policy of the state to insure protection of all individuals
 22 under care in ~~child care facilities and placement agencies~~ **specialized providers** and
 23 to encourage and assist in the improvement of programs. It is the further intent of the
 24 legislature that the freedom of religion of all citizens shall be inviolate. This Chapter
 25 shall not give the Department of Health and Hospitals or the Department of Children
 26 and Family Services jurisdiction or authority to regulate, control, supervise, or in any
 27 way be involved in the form, manner, or content of any curriculum or instruction of
 28 a school or ~~facility~~ **specialized provider** sponsored by a church or religious
 29 organization so long as the civil and human rights of the clients and residents are not

1 violated.

2 §1402.1. Licensing; prohibition of conflict of interest

3 All licenses issued to ~~child care facilities and child-placing facilities~~
4 **specialized providers** pursuant to this Chapter shall specify that the facility shall not
5 enter into any contract or engage in any activities in conflict with its duties to the
6 mothers, fathers, and children that it is licensed to serve.

7 §1403. Definitions

8 ~~As used in this Chapter, the following definitions shall apply unless the~~
9 ~~context clearly states otherwise:~~

10 (1) ~~"Camp" means any place or facility operated by any institution, society,~~
11 ~~agency, corporation, person or persons, or any other group which serves only~~
12 ~~children five years of age or older and operates only when school is not in session~~
13 ~~during the summer months or school holidays, or both.~~

14 (2) "Child" means a person who has not reached age eighteen or otherwise
15 been legally emancipated. The words "child" and "children" are used interchangeably
16 in this Chapter.

17 (3) ~~"Child day care center" means any place or facility operated by any~~
18 ~~institution, society, agency, corporation, person or persons, or any other group for~~
19 ~~the purpose of providing care, supervision, and guidance of seven or more children,~~
20 ~~not including those related to the caregiver, unaccompanied by parent or guardian,~~
21 ~~on a regular basis for at least twelve and one-half hours in a continuous seven-day~~
22 ~~week. If a child day care center provides transportation or arranges for transportation~~
23 ~~to and from the center, either directly or by contract with third parties, all hours~~
24 ~~during which a child is being transported shall be included in calculating the hours~~
25 ~~of operation. A child day care center that remains open for more than twelve and~~
26 ~~one-half hours in a continuous seven-day week, and in which no individual child~~
27 ~~remains for more than twenty-four hours in one continuous stay shall be known as~~
28 ~~a full-time child day care center. A child day care center that remains open after 9:00~~
29 ~~p.m. shall meet the appropriate regulations established for nighttime care.~~

1 ~~(4)~~(2) "Child-placing agency" means any institution, society, agency,
2 corporation, facility, person or persons, or any other group engaged in placing
3 children in foster care or with substitute parents for temporary care or for adoption,
4 or engaged in assisting or facilitating the adoption of children, or engaged in placing
5 youth in transitional placing programs, but shall not mean a person who may
6 occasionally refer children for temporary care.

7 ~~(5)~~(3) "Department" means the Department of Children and Family Services.

8 ~~(6)~~ "Early childhood learning center" means any child day care center, Early
9 Head Start grantee, Head Start grantee, or stand-alone prekindergarten or
10 kindergarten program that is not attached to a school and that is licensed by the state.

11 ~~(7)~~ "License category" means the category of license applied for or held,
12 which shall include early childhood learning centers, maternity homes, residential
13 homes, and child-placing agencies.

14 ~~(8)~~(4) "License type" means the type of license applied for or held **by a**
15 **specialized provider**, which shall include Type I, ~~Type II, Type III,~~ and Type IV
16 licenses.

17 ~~(9)~~(5) "Maternity home" means any place or facility in which any institution,
18 society, agency, corporation, person or persons, or any other group regularly receives
19 and provides necessary services for children before, during, and immediately
20 following birth. This definition shall not include any place or facility which receives
21 and provides services for women who receive maternity care in the home of a
22 relative within the sixth degree of kindred, computed according to civil law, or
23 general or special hospitals in which maternity treatment and care is part of the
24 medical services performed and the care of children only brief and incidental.

25 ~~(10)~~(6) "Related" or "relative" means a natural or adopted child or grandchild
26 of the caregiver or a child in the legal custody of the caregiver.

27 ~~(11)~~(7) "Residential home" means any place, facility, or home operated by
28 any institution, society, agency, corporation, person or persons, or any other group
29 to provide full-time care, twenty-four hours per day, for more than four children who

1 are not related to the operators and whose parents or guardians are not residents of
2 the same facility, with or without transfer of custody.

3 ~~(12) "School", as referred to in R.S. 46:1415, means any institution or facility~~
4 ~~which provides for education of children in grades one or above. Any kindergarten~~
5 ~~or prekindergarten attached thereto shall be considered part of that school.~~

6 ~~(13)~~**(8)** "Specialized provider" means a child-placing agency, maternity
7 home, or residential home.

8 ~~(14)~~**(9)** "Type I license" means a license held by a ~~child day care center or~~
9 residential home that is owned or operated by a church or religious organization that
10 does not wish to be licensed as a ~~Type II, Type III, or Type IV~~ center. Nothing herein
11 shall be construed to require a children's religious ministry program operated by a
12 church or other religious organization in accordance with R.S. 46:1429 to be licensed
13 pursuant to this Chapter. "Type I license" also means a license held by a ~~child day~~
14 ~~care center or residential home holding a Class B license prior to the effective date~~
15 of this Section.

16 ~~(15) "Type II license" means the license held by a privately owned child day~~
17 ~~care center that either receives no state or federal funds from any source, whether~~
18 ~~directly or indirectly, or whose only source of state or federal funds is the federal~~
19 ~~food and nutrition program.~~

20 ~~(16) "Type III license" means the license held by any publicly or privately~~
21 ~~owned early childhood learning center which receives state or federal funds, directly~~
22 ~~or indirectly, from any source other than the federal food and nutrition program.~~
23 ~~Type III early childhood learning centers shall meet the performance and academic~~
24 ~~standards of the Early Childhood Care and Education Network regarding~~
25 ~~kindergarten readiness, as determined by the State Board of Elementary and~~
26 ~~Secondary Education.~~

27 ~~(17)~~**(10)** "Type IV license" means the license held by any publicly or
28 privately owned specialized provider.

29 ~~(18)~~**(11)** "Youth" means a person not less than sixteen years of age nor older

1 than twenty-one years of age.

2 B. ~~For purposes of this Chapter "child care facility" shall include maternity~~
3 ~~homes, early childhood learning centers, and residential homes as defined in this~~
4 ~~Section.~~

5 * * *

6 §1404. Requirement of licensure

7 A. All ~~early childhood learning centers~~ and specialized providers, including
8 facilities owned or operated by any governmental, profit, nonprofit, private, or
9 church agency, shall be licensed. ~~Child care facility~~ **Specialized provider** licenses
10 shall be of ~~four~~ **two** types: Type I, ~~Type II, Type III,~~ and Type IV.

11 * * *

12 §1405. Transitional provisions

13 A.~~(1)~~ Until such time as rules are promulgated by the department to
14 implement the types of licenses required by R.S. 46:1404, ~~child care facilities and~~
15 ~~child-placing agencies~~ **specialized providers** shall follow the rules, regulations, and
16 standards in effect for Class A and Class B licensure.

17 ~~(2) The department shall create an early childhood learning working group~~
18 ~~to include one representative from Louisiana's Early Childhood Advisory Council,~~
19 ~~the Child Care Association of Louisiana, the Nonpublic School Council, the~~
20 ~~Louisiana Head Start Association, the Department of Children and Family Services,~~
21 ~~the Department of Education, the Children's Cabinet, and the office of the governor.~~
22 ~~Such working group shall include participants having expertise in care of infants and~~
23 ~~toddlers, pediatric health, pediatric mental health, cognitive development, and social~~
24 ~~emotional development. The department shall seek input from the working group in~~
25 ~~the development of the rules and regulations establishing Type I, Type II, and Type~~
26 ~~III licenses and shall submit the proposed rules and regulations pursuant to this~~
27 ~~Section to the working group for approval. Such working group shall forward the~~
28 ~~proposed rules and regulations to the Children's Defense Fund, the Louisiana~~
29 ~~Association for the Education of Young Children, and Louisiana Partnership for~~

1 Children and Families no later than November 1, 2013, for review and comment. The
2 working group shall be dissolved on the effective date of any provision of law which
3 transfers statutory authority for licensing of child day care centers from the
4 Department of Children and Family Services to the Department of Education.

5 B. All existing ~~child day care centers~~ or residential homes possessing a Class
6 B license shall be issued a Type I license as provided by rule.

7 ~~C.(1) All child day care centers that meet the definition for a Type II license~~
8 ~~pursuant to this Chapter shall be issued a Type II license as provided by rule.~~

9 ~~(2) Any child day care center possessing a Class A license on January 1, 2014~~
10 ~~that meets the definition of a Type II license pursuant to this Chapter shall be issued~~
11 ~~a Type II license as provided by rule.~~

12 ~~D. All existing early childhood learning centers that meet the definition for~~
13 ~~a Type III license pursuant to this Chapter shall be issued a Type III license as~~
14 ~~provided by rule.~~

15 ~~E.(1) C.~~ All existing child placing agencies, maternity homes, and residential
16 homes that meet the definition for a Type IV license pursuant to this Chapter shall
17 be issued a Type IV license as provided by rule.

18 ~~(2) Any maternity home, residential home, or child-placing agency~~
19 ~~possessing a Class A license on January 1, 2014 that meets the definition of a Type~~
20 ~~IV license pursuant to this Chapter shall be issued a Type IV license.~~

21 F. Any early childhood learning center that requests to change its license type
22 for the following year shall apply to the department no later than December first of
23 the preceding year. This Subsection shall not apply to early childhood learning
24 centers changing location or ownership that are required to apply for a new license
25 pursuant to R.S. 46:1406(C).

26 **D. The Department of Education shall maintain on its website all the**
27 **information that is required by state and federal funding sources and is easily**
28 **accessible to the public, including but not limited to program statistics for the**
29 **Child Care Assistance Program that includes monthly and year end fiscal year**

1 totals of the number of children and amount of benefits of the current year and
 2 previous statistics as of 2004, monthly statistics of number of children and
 3 amount of benefits by parish, applications processed by parish, unduplicated
 4 count of paid providers by month, redeterminations, and cases by parish and
 5 fiscal year. The department shall also include information on each licensed
 6 facility for the last fifteen visits, including licensed capacity, license type and
 7 current rating.

8 §1406. Licenses; application; temporary or provisional; fees

9 A. Application for licensure of a new ~~child care facility or~~ specialized
 10 provider shall be made by the ~~child care facility or~~ specialized provider to the
 11 department upon forms furnished by the department. Upon receipt of the application
 12 for a license and verification that minimum requirements for such license as
 13 established by rule are satisfied, and that the ~~facility or agency~~ **specialized provider**
 14 is in compliance with all other state and local laws and regulations, the department
 15 shall issue a Type I, ~~Type II, Type III,~~ or Type IV license for the appropriate license
 16 category for such period as may be provided for by rule.

17 B. The department may provide through the promulgation of rules for the
 18 issuance of temporary, provisional, or extended licenses for each license category
 19 ~~and~~ type if a disapproval has not been received from any other state or local agency
 20 authorized by any other laws or rules to inspect such ~~facilities or agencies~~
 21 **specialized providers.**

22 C. A license of any type ~~or category~~ shall apply only to the location stated on
 23 the application, and such license, once issued, shall not be transferable from one
 24 person to another or from one location to another. If the location or ownership of the
 25 ~~facility~~ **specialized provider** is changed, then the license shall be automatically
 26 revoked. A new application form shall be completed prior to all license renewals.

27 D. Each licensed ~~facility~~ **specialized provider** shall display its license in a
 28 prominent place at the facility, except that a ~~facility~~ **specialized provider** operated
 29 by a church or religious organization may be exempt from such requirement,

1 provided the license is available upon request.

2 E. There shall be an annual license fee for each ~~type of early childhood~~
3 ~~learning center and~~ specialized provider in an amount equal to the annual license fee
4 in effect for all Class A and Class B ~~child care facilities and child-placing agencies~~
5 **specialized providers** possessing such license on January 1, 2014, without an
6 increase in the amount of such fees.

7 ~~F. There shall be an annual license fee of twenty-five dollars for any license~~
8 ~~issued to an early childhood learning center providing care for fifteen or fewer~~
9 ~~children; one hundred dollars for any license issued to an early childhood learning~~
10 ~~center providing care for at least sixteen but no more than fifty children; one hundred~~
11 ~~seventy-five dollars for any license issued to an early childhood learning center~~
12 ~~providing care for at least fifty-one but no more than one hundred children; and two~~
13 ~~hundred fifty dollars for any license issued to an early childhood learning center~~
14 ~~providing care for more than one hundred children.~~

15 ~~G. There shall be an annual license fee of one hundred dollars for any license~~
16 ~~issued to a residential home providing care for six or less children; two hundred~~
17 ~~dollars for any license issued to a residential facility providing care for at least seven~~
18 ~~but no more than fifteen children; and three hundred dollars for any license issued~~
19 ~~to a residential facility providing care for sixteen or more children.~~

20 H. ~~F.~~ There shall be an annual license fee of fifty dollars for any license
21 issued to a child-placing agency or maternity home.

22 I. ~~G.~~ The fees provided for in this Section shall not apply to any Type I ~~child~~
23 ~~day care center~~ **specialized provider** owned or operated by a church or religious
24 organization.

25 J. ~~H.~~ Annual fees for any type or ~~category~~ of license shall not be increased
26 unless expressly authorized by statute as provided in Article VII, § **Section** 2.1 of the
27 Constitution of Louisiana.

28 §1407. Rules, regulations, and standards for licenses

29 A. The department shall promulgate regulations for each ~~category and type~~

1 of license to carry out the provisions of this Chapter in accordance with the
2 provisions of the Administrative Procedure Act. ~~The department shall seek input and~~
3 ~~guidance from the Louisiana Advisory Council on Child Care and Early Education~~
4 ~~concerning the proposed rules and regulations for approval of Type I, Type II, and~~
5 ~~Type III facilities for licensure in accordance with the Administrative Procedure Act.~~

6 B.(1) The regulations developed by the department, at a minimum, shall
7 accomplish all of the following:

8 (a) Promote the health, safety, and welfare of children attending any facility
9 **specialized provider**.

10 (b) Promote safe, comfortable, and proper physical facilities **of specialized**
11 **providers**.

12 (c) Ensure adequate supervision of those attending facilities **specialized**
13 **providers** by capable, qualified, and healthy personnel.

14 (d) Ensure adequate and healthy food service in facilities **specialized**
15 **providers** where food is offered.

16 (e) Prohibit discrimination by ~~early childhood learning centers and~~
17 specialized providers on the basis of race, color, creed, sex, national origin, handicap,
18 ancestry, or whether the child is being breastfed. However, nothing in this
19 Subparagraph shall be construed to affect, limit, or otherwise restrict any of the
20 following:

21 (i) The hiring or admission policies of a licensed ~~child day care center~~
22 **specialized provider** owned by a church or religious organization, which may give
23 preference in hiring or admission to members of the church or denomination.

24 (ii) The rights of religious sectarian child-placing agencies to consider creed
25 in any decision or action relating to foster care or adoption.

26 (f) Require **residential home and maternity home** providers to have a
27 written description of admission policies and criteria which expresses the needs,
28 problems, situations, or patterns best addressed by its program. These policies shall
29 be available to the person legally responsible for any child referred for placement.

1 (g) Include procedures by which parents and guardians are given an
2 opportunity for consultation and information about the educational and therapeutic
3 programs for the child in attendance.

4 (h) Include regulations and standards for nighttime care.

5 (i) Include procedures for the receipt, recordation, and disposition of
6 complaints.

7 (j) Include procedures for the return of a child to his parent. Arrangements
8 for the child's return to his parent shall not include third parties or other child care
9 agencies unless written agreement between the child care agency and the parent is
10 on file with the child care agency.

11 ~~(k) Include procedures that allow an early childhood learning center to~~
12 ~~remedy certain deficiencies immediately upon identification by the department in an~~
13 ~~onsite inspection, provided that any deficiency that may be remedied in such manner~~
14 ~~does not constitute a critical violation of licensing standards as determined by the~~
15 ~~department.~~

16 (2)(a) Any entity **specialized provider** approved by the department shall be
17 required to have all of the following:

18 (i)(a) Approval from the Department of Public Safety and Corrections, office
19 of the state fire marshal, code enforcement and building safety.

20 (ii)(b) Approval from the Department of Health and Hospitals, office of
21 public health.

22 ~~(b) Type III early childhood learning centers shall adhere to the performance~~
23 ~~and academic standards of the Early Childhood Care and Education Network~~
24 ~~regarding kindergarten readiness as determined by the State Board of Elementary~~
25 ~~and Secondary Education. The Department of Education shall base its approval upon~~
26 ~~the uniform accountability system.~~

27 (3) No facility **residential home provider** holding a Type I license shall
28 receive any state or federal funds, from any source, whether directly or indirectly.

29 If a facility **residential home provider** holding a Type I license receives any state

1 or federal funds, its license shall be automatically revoked.

2 ~~(4) No facility holding a Type II license shall receive any state or federal~~
3 ~~funds, from any source, whether directly or indirectly, other than those received~~
4 ~~solely for food and nutrition. If a facility holding a Type II license receives any state~~
5 ~~or federal funds, whether directly or indirectly, other than those received solely for~~
6 ~~food and nutrition, its license shall be automatically revoked.~~

7 C. The department shall prepare standard forms for applications and for
8 inspection reports.

9 D. A comprehensive review of all standards, rules, and regulations for all
10 licenses shall be made at least every three years by the department.

11 E. The secretary of the department, in specific instances, may waive
12 compliance with a minimum standard upon determination that the economic impact
13 is sufficiently great to make compliance impractical, as long as the health and well-
14 being of the staff or children is not imperiled. If it is determined that the facility
15 **specialized provider** or agency is meeting or exceeding the intent of a standard or
16 regulation, the standard or regulation may be deemed to be met.

17 F. Discrimination by ~~child care facilities~~ **specialized providers** and child-
18 placing agencies on the basis of race, color, creed, sex, national origin, disability as
19 defined by R.S. 51:2232(11), ancestry, or whether the child is being breastfed is
20 prohibited. However, this shall not restrict the hiring or admission policies of a
21 church or religious organization, which may give preference in hiring or admission
22 to members of the church or denomination.

23 G. The department shall not regulate or attempt to regulate or control the
24 religious or spiritual content of the curriculum of a ~~school or facility~~ **specialized**
25 **provider** sponsored by a church or religious organization.

26 H. Nothing in the rules, regulations, and standards adopted pursuant to this
27 Section shall authorize or require medical examination, immunization, or treatment
28 of any child whose parents object to such examination, immunization, or treatment
29 on religious grounds.

1 I. Each **residential home and maternity home** facility shall have a written
 2 discipline policy, which shall be made available to parents and to authorized
 3 inspection personnel upon request.

4 * * *

5 §1414.1. Disclosure requirements; penalties

6 A. Any owner, operator, current or prospective employee, or volunteer of a
 7 ~~child care facility~~ **specialized provider** licensed by the Department of Children and
 8 Family Services shall report annually and at any time upon the request of the
 9 department on the state central registry disclosure form promulgated by the
 10 department whether or not his name is currently recorded on the state central registry
 11 for a justified finding of abuse or neglect and he is the named perpetrator.

12 B. Any such current or prospective employee or volunteer of a ~~child care~~
 13 ~~facility~~ **specialized provider** licensed by the department shall submit the state
 14 central registry disclosure form to the owner or operator of the ~~facility~~ **specialized**
 15 **provider**, who shall maintain the documents in accordance with current department
 16 licensing requirements. Any state central registry disclosure form that is maintained
 17 ~~in a child care facility~~ **by a special provider** licensing file shall be confidential and
 18 subject to the confidentiality provisions of R.S. 46:56(F) pertaining to the
 19 investigations of abuse and neglect.

20 C. Any owner, operator, current or prospective employee, or volunteer of a
 21 ~~child care facility~~ **specialized provider** licensed by the department who knowingly
 22 falsifies the information on the state central registry disclosure form shall be guilty
 23 of a misdemeanor offense and shall be fined not more than five hundred dollars, or
 24 imprisoned for not more than six months, or both.

25 D. Any owner, operator, current or prospective employee, or volunteer of a
 26 ~~child care facility~~ **specialized provider** licensed by the department who discloses
 27 that he is currently recorded on the state central registry for a justified finding of
 28 abuse or neglect shall be entitled to a risk assessment evaluation provided by the
 29 department to determine that the individual does not pose a risk to children. Any

1 such individual who is determined to pose a risk to children shall have the right to
 2 file an appeal in accordance with R.S. 49:992 of the Administrative Procedure Act.
 3 Any such determination by the risk evaluation panel shall be kept on file at all times
 4 by the department.

5 E. The department shall promulgate rules and regulations to implement this
 6 Section. The rules and regulations shall include but not be limited to establishing
 7 criteria for risk evaluation requests, the composition of the risk evaluation panel, and
 8 establishing criteria for risk evaluation determinations.

9 §1415. Facilities and agencies subject to regulation; exemptions

10 A. All ~~early childhood learning centers and~~ specialized providers shall be
 11 subject to the provisions of this Chapter. However, ~~private or public day schools~~
 12 ~~servicing children in grades one and above, including any kindergartens or~~
 13 ~~prekindergarten programs attached thereto, as well as camps, and all care given~~
 14 without charge, shall be exempt from such provisions.

15 B. Nothing in this Chapter shall apply to facilities licensed by the Department
 16 of Health and Hospitals **or the Department of Education.**

17 * * *

18 §1417. Inspections

19 It shall be the duty of the department, through its duly authorized agents, to
 20 inspect at regular intervals not to exceed one year, or as deemed necessary by the
 21 department, and without previous notice all ~~child care facilities and child-placing~~
 22 ~~agencies~~ **specialized providers** subject to the provisions of this Chapter. The
 23 department shall also develop and facilitate coordination with and among other
 24 authorized agencies making inspections at regular intervals. ~~The facility~~ **A**
 25 **specialized provider** shall be open to inspection only during working hours by
 26 parents or legal guardians of children in care and by authorized inspection personnel.

27 §1418. Complaints

28 A. It shall be the duty of the department, through its duly authorized agents,
 29 to investigate all complaints (except complaints concerning the prevention or spread

1 of communicable diseases), including complaints alleging child abuse, against any
 2 ~~child care facility or child-placing agency~~ **specialized provider** as defined in this
 3 Chapter. The department may take such action as is authorized by this Chapter. Any
 4 complaint received concerning the prevention or spread of communicable diseases
 5 shall be immediately referred to the state health officer through the nearest parish
 6 health unit for investigation and disposition.

7 * * *

8 §1419. Revocation or refusal to renew license; written notice

9 The department shall have the power to deny, revoke, or refuse to renew a
 10 license for a ~~child care facility~~ or specialized provider if an applicant has failed to
 11 comply with the provisions of this Chapter or any applicable, published rule or
 12 regulation of the department relating to ~~child care facilities~~ and specialized
 13 providers. If a license is denied, revoked, or withdrawn, the action shall be effective
 14 when made and the department shall notify the applicant, licensee, or specialized
 15 provider of such action in writing immediately and of the reason for the denial,
 16 revocation, or withdrawal of the license.

17 §1420. Refusal or revocation of license; appeal procedure

18 A. Upon the refusal of the department to grant a license or upon the
 19 revocation of a license, the agency, institution, society, corporation, person or
 20 persons, or other group having been refused a license or having had a license
 21 revoked shall have the right to appeal such action by submitting a written request to
 22 the secretary of the department within thirty days after receipt of the notification **in**
 23 **the case** of the refusal of the license or, in the case of revocation, within fifteen
 24 calendar days after receipt of the notification of the revocation. The appeal hearings
 25 shall be held no later than thirty days after the request therefor, except as provided
 26 in the Administrative Procedure Act, and shall be conducted in accordance with
 27 applicable regulations of the department and the provisions of R.S. 46:107. This
 28 provision shall in no way preclude the right of the party to seek relief through
 29 mandamus suit against the department, as provided by law.

* * *

§1421. Operating without or in violation of license; penalty

Whoever operates ~~any child care facility or~~ **as a** specialized provider, as defined in R.S. 46:1403, without a valid license issued by the department shall be fined not less than one thousand dollars **per day** for each day of such offense.

§1422. Operating without or in violation of license; injunctive relief

If any ~~child care facility or~~ specialized provider operates without a valid license issued by the department, the department may file suit in the district court in the parish in which the ~~facility~~ **specialized provider** is located for injunctive relief, including a temporary restraining order, to restrain the institution, society, agency, corporation, person or persons, or any other group operating the ~~facility~~ **specialized provider** or agency from continuing the violation. The state health officer shall have exclusive authority over all matters involving the prevention or spread of communicable diseases within a ~~child care facility or~~ specialized provider.

§1423. Removal of individuals from facility

The department shall remove any child or all children from any ~~facility or agency~~ **specialized provider** when it is determined that one or more violations exist within the ~~facility~~ **specialized provider** or agency which places the health and well-being of the child or children in imminent danger; provided, however, that a contradictory hearing shall be held within seven days thereafter by the district court of the district to determine whether the action was justified and whether and how long it shall continue.

* * *

§1427. Parent-child relationship

The Department of Children and Family Services shall not interfere with the parent-child relationship regarding the religious training of a child, where all of the following conditions are met:

- (1) The parent or legal guardian has enrolled their child in a ~~child care facility~~ **specialized provider**, including but not limited to a child residential facility,

1 operated by a religious, nonprofit organization which is exempt from federal income
2 taxes pursuant to 26 U.S.C. 501(c)(3).

3 (2) Where, as a condition of enrollment, the child is required to attend
4 religious services or classes and the parent or guardian of the child agrees to such
5 condition.

6 §1428. Immunization information; influenza

7 A. Each licensed ~~child care facility~~ **specialized provider of child placing**
8 **agency**, before November first of each year, shall make available to each child's
9 parent or legal guardian information relative to the risks associated with influenza
10 and the availability, effectiveness, known contraindications, and possible side effects
11 of the influenza immunization. Such information shall include the causes and
12 symptoms of influenza, the means by which influenza is spread, and the places
13 where a parent or legal guardian may obtain additional information and where a child
14 may be immunized against influenza. Such information shall be updated annually if
15 new information on such disease is available.

16 B.(1) The Department of Health and Hospitals shall develop and provide
17 information on influenza immunization to the Department of Children and Family
18 Services. The Department of Children and Family Services shall provide such
19 information to each licensed ~~child care facility~~ **specialized provider or child**
20 **placing agency**, which shall make the information available to each child's parent
21 or legal guardian pursuant to Subsection A of this Section.

22 (2) The Department of Health and Hospitals and the Department of Children
23 and Family Services shall determine respectively the most cost-effective and
24 efficient means of distributing such information.

25 C. The Department of Children and Family Services, in consultation with the
26 Department of Health and Hospitals, shall establish by rules and regulations all
27 guidelines and procedures for carrying out the provisions of this Section in
28 accordance with the Administrative Procedure Act.

29 D. Nothing in this Section shall be construed to require any ~~licensed child~~

1 ~~care facility~~ **specialized provider or child placing agency**, the Department of
 2 Children and Family Services, or the Department of Health and Hospitals to provide
 3 or pay for immunizations against influenza.

4 * * *

5 §1430. Operating in violation of regulations; penalties and fines

6 A.(1) For violations related to supervision, criminal history record checks,
 7 the state central registry disclosure process, staff-to-child ratios, motor vehicle
 8 checks, or failure to report critical incidents, the Department of Children and Family
 9 Services may issue a written warning that includes a corrective action plan, in lieu
 10 of revocation, upon any person or ~~entity~~ **specialized provider** violating these
 11 requirements if such condition or occurrence does not pose an imminent threat to the
 12 health, safety, rights, or welfare of a child. Failure to implement a corrective action
 13 plan issued pursuant to this Section may result in either the assessment of a civil fine
 14 or license revocation or may result in both actions being taken by the department.
 15 Such civil fine shall not exceed two hundred fifty dollars per day for each
 16 assessment; however, the aggregate fines assessed for violations determined in any
 17 consecutive twelve-month period shall not exceed two thousand dollars.

18 (2) The department shall adopt rules in accordance with the Administrative
 19 Procedure Act which articulate factors in determining the type of sanction imposed
 20 including the severity of risk, the actual harm and mitigating circumstances, the
 21 failure to implement a written corrective action plan, the history of noncompliance,
 22 an explanation of the treatment of continuing and repeat deficiencies, evidence of a
 23 good faith effort to comply, and any other relevant factors. ~~The department shall~~
 24 ~~develop and adopt rules and regulations required by this Paragraph with input and~~
 25 ~~guidance from the Louisiana Advisory Council on Child Care and Early Education.~~
 26 The authority to impose sanctions pursuant to this Section shall commence on the
 27 effective date of the rules promulgated pursuant to this Section.

28 B. The department shall adopt rules and regulations in accordance with the
 29 Administrative Procedure Act to provide for notice to the ~~child care facility~~

1 **specialized provider** or child-placing agency of any violation, for a departmental
2 reconsideration process for sanctions issued, and for an appeal procedure including
3 judicial review. Such appeal shall be suspensive. All appeals pursuant to this
4 Subsection shall be heard by the division of administrative law pursuant to Chapter
5 13-B of Title 49 of the Louisiana Revised Statutes of 1950. The division shall furnish
6 to the facility or agency a copy of the decision, together with notice of the manner
7 for requesting judicial review. During the pendency of an appeal, a ~~child-care facility~~
8 **specialized provider** or child-placing agency may continue to receive funding for
9 services provided to those eligible children as determined by the department.

10 C. The department may institute any necessary civil court action to collect
11 fines imposed and not timely appealed. No ~~child-care facility~~ **specialized provider**
12 or child-placing agency shall claim imposed fines as reimbursable. Interest shall
13 begin to accrue at the current judicial rate on the day following the date on which any
14 fines become due and payable. All costs of any successful action to collect such
15 fines, including travel expenses and reasonable attorney fees, shall be awarded to the
16 department in addition to the fines.

17 D.(1) Civil fines collected pursuant to the provisions of this Section shall be
18 deposited immediately into the state treasury.

19 (2) After compliance with the requirements of Article VII, Section 9(B) of
20 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
21 and prior to the monies being placed in the state general fund, an amount equal to the
22 amount deposited as provided in Paragraph (1) of this Subsection shall be credited
23 to a special fund hereby created in the state treasury to be known as the "~~Child Care~~
24 **Specialized Provider** Licensing Trust Fund", hereinafter referred to as "the fund".
25 The monies in the fund shall be subject to annual appropriation and shall be available
26 exclusively for use by the Department of Children and Family Services for the
27 education and training of employees, staff, or other personnel of ~~child-care facilities~~
28 **specialized provider** and child-placing agencies.

29 (3) The monies in the fund shall be invested by the treasurer in the same

1 manner as the monies in the state general fund, and all interest earned from the
 2 investment of monies in the fund shall be deposited in and remain to the credit of the
 3 fund. All unexpended and unencumbered monies remaining in the fund at the end of
 4 the fiscal year shall remain in the fund.

5 Section 6. R.S. 46:1414, 1426, 1429, and 1445 through 1448 are hereby repealed.

6 Section 7. Sections 1, 2, 4, 5, 6, and 7 of this Act shall become effective on October
 7 1, 2014. Section 3 of this Act shall become effective on February 1, 2015.

The original instrument was prepared by Alan Miller. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Martha Hess.

DIGEST

Walsworth (SB 524)

Proposed law (R.S.17:407.26) provides that upon transfer of lead agency authority from the state Department of Children and Family Services (DCFS), the Department of Education (DOE) is authorized to accept and direct the disbursement of funds appropriated by any act of Congress and apportioned to the state for use in connection with any Child Care and Development Fund programs.

Proposed law provides that prior to the transfer of lead agency authority, the DCFS shall seek input and approval from DOE in the development of the Child Care and Development Fund state plan or any amendment to such plan, prior to its submittal to the federal Department of Health and Human Services. Requires that prior to the transfer of lead agency authority, the DCFS and DOE shall enter into a cooperative endeavor agreement to insure a coordinated and seamless transition that is cost neutral to the state.

Proposed law requires the cooperative endeavor agreement to ensure the transfer of funds from the DOE to the DCFS in an amount sufficient to fully fund the indirect costs of the DCFS which were previously funded by the Child Care Development Fund, until such time as another funding source is identified by DCFS to pay for those indirect costs. The cooperative endeavor agreement may also allow services to be purchased by DOE including but not limited to fulfilling grant requirements, data reporting, and services to clients.

Proposed law provides that lead agency authority shall transfer no later than July 1, 2015 and that such date shall be established in the cooperative endeavor agreement. Provides that the cooperative endeavor agreement shall be subject to the review and approval of the Joint Legislative Committee on the Budget.

Proposed law requires DOE to deposit all such funds received from the federal government with the state treasurer who shall, subject to legislative appropriation, make disbursements upon the recommendation of DOE.

Proposed law requires BESE to promulgate rules and regulations to implement the Child Care and Development Fund State Plan, and requires DOE to develop and implement the state plan in accordance with such rules and regulations.

Proposed law (R.S. 17:407.34) requires all early learning centers to be licensed as a Type I, II or III by DOE.

Proposed law (R.S. 17:407.35) exempts public and non-public day schools serving children in grades kindergarten and above, including any prekindergarten programs attached thereto, as well as camps, and care given without charge, from the provisions of proposed law. Further exempts recognized religious organizations that are qualified as a tax-exempt organization under Section 501(c) of the IRS Code, if it remains open for not more than 24 hours in a continuous seven-day week, and in which no individual child remains for more than 24 hours in one continuous stay. Also, proposed law shall not apply to children in programs licensed or operated by the Department of Health and Hospitals(DHH) or the Department of Children and Family Services (DCFS).

Proposed law (R.S. 17:407.36) provides for certain types of licences, including:

- (1) A "Type I license" is the type of license issued to an early learning center that is owned or operated by a church or religious organization and that receives no state or federal funds from any source, whether directly or indirectly. A Type I license is also the type of license issued to an early learning center holding a "Class B" license prior to the effective date of proposed law.
 - (a) No early learning center holding a Type I license shall receive any state or federal funds, from any source, whether directly or indirectly.
 - (b) If an early learning center holding a Type I license receives any state or federal funds, its license shall be automatically revoked.
- (2) A "Type II license" is the type of license issued to an early learning center that either receives no state or federal funds from any source, whether directly or indirectly, or whose only source of state or federal funds is from the United States Department of Agriculture's food and nutrition programs, hereinafter referred to in this Part as "federal food and nutrition programs".
 - (a) No early learning center holding a Type II license shall receive any state or federal funds, from any source, whether directly or indirectly, other than those funds received solely for federal food and nutrition programs.
 - (b) If an early learning center holding a Type II license receives any state or federal funds, whether directly or indirectly, other than those received solely for federal food and nutrition programs, its license shall be automatically revoked.
- (3) A "Type III license" is the type of license issued to any early learning center which receives state or federal funds, directly or indirectly, from any source other than the federal food and nutrition programs. Type III early learning centers shall meet the performance and academic standards of the Early Childhood Care and Education Network regarding kindergarten readiness as determined by the State Board of Elementary and Secondary Education.

Proposed law does not prevent an early learning center otherwise qualified for a Type I license to voluntarily seek a Type II or Type III license, or an early learning center otherwise qualified for a Type II license to voluntarily seek a Type III license, provided that such early learning center meets the standards set forth for such license.

Proposed law (R.S. 17:407.37) provides for penalties for whoever operates any early learning center without a valid license issued by DOE in the amount of not less than \$1,000 for each day of such offense. Further, if any early learning center operates without a valid license issued by DOE, DOE is authorized to file suit in the district court in the parish in which the center is located for injunctive relief, including a temporary restraining order, to restrain the institution, agency, corporation, person or persons, or any other group operating the center from continuing the violation.

Proposed law (R.S. 17:407.38) provides that until such time as rules are promulgated by BESE to implement the types of licenses required by proposed law, early learning centers shall continue to follow the rules, regulations, and standards in effect for Class A and Class B licensure of child care facilities found in La. Admin. Code. Further provides that administrative rules promulgated by DCFS will remain in effect until BESE has promulgated its own rules.

Proposed law provides that upon promulgation by BESE of rules to implement the three types of licenses:

- (1) All existing early learning centers possessing a Class B license shall be issued a Type I license as provided by rule, unless the center meets the definition of a Type II license, in which case it shall be issued a Type II license as provided by rule.
- (2) All existing early learning centers possessing a Class A license that meet the definition of a Type II license shall be issued a Type II license as provided by rule.
- (3) All existing early learning centers possessing a Class A license that meets the definition of a Type III license shall be issued a Type III license as provided by rule.

Proposed law requires that any early learning center that intends to change its license type at any time during the following calendar year to apply for a new license no later than December first of the preceding year. Such requirements shall not apply to early learning centers changing location or ownership that are required to apply for a new license.

Proposed law (R.S. 17:407.39) requires that an application for licensure of a new early learning center be made by the center to the DOE using forms furnished by DOE. Upon receipt of an application for a license and verification that minimum requirements for such license as established by rule are satisfied, and upon verifying that the center is in compliance with all applicable state and local laws and regulations, DOE shall issue a Type I, Type II, or Type III license for such period as may be provided for by rule. Further authorizes BESE to provide by rule for the issuance of temporary, provisional, or extended licenses for each license type if a disapproval has not been received from any state or local agency authorized by any laws or rules to inspect or approve such centers.

Proposed law requires that a license of any type shall apply only to the location stated on the application, and such license shall not be transferable. If the location or ownership of the center is changed, then the license shall be automatically revoked. Further requires that the license be displayed in a prominent place at the center.

Proposed law sets an annual license fee for each type of early learning center in an amount equal to the annual license fee in effect for all Class A and Class B child care facilities possessing such license upon the effective date of proposed law, without an increase in the amount of such fees.

Proposed law provides for an annual license fee of:

- (1) \$25 for any license issued to an early learning center providing care for 15 or fewer children;
- (2) \$100 for any license issued to an early learning center providing care for at least 16 but no more than 50 children;
- (3) \$175 for any license issued to an early learning center providing care for at least 51 but no more than 100 children; and
- (4) \$250 for any license issued to an early learning center providing care for more than 100 children.

Further provides that the annual licensure fees provided in this proposed law shall not apply to Type I early learning centers. Further provides that the annual fees for any type or category of license shall not be increased unless expressly authorized by statute.

Proposed law (R.S. 17:407.40) requires BESE to promulgate regulations for each type of license which, at a minimum, shall accomplish all of the following:

- (1) Promote the health, safety, and welfare of children attending any early learning center.
- (2) Promote safe and proper physical facilities at all early learning centers.
- (3) Ensure adequate supervision of those attending early learning centers.
- (4) Ensure adequate and healthy food service in early learning centers where food is offered.
- (5) Prohibit discrimination on the basis of race, color, creed, sex, national origin, handicap, ancestry, or whether the child is being breastfed, provided that this shall not be construed to affect, limit, or otherwise restrict the hiring or admission policies of an early learning center owned by a church or religious organization, or prohibit such a center from giving preference in hiring or admission to members of the church or denomination.
- (6) Include procedures for the receipt, recordation, and disposition of complaints.

Proposed law requires that every early learning center approved for licensure by DOE be required to have approval from the Office of State Fire Marshal (OSFM) and DHH.

Proposed law requires that each Type III early learning center obtain approval from DOE of adherence to the performance and academic standards of the Early Childhood Care and Education Network regarding kindergarten readiness as determined by BESE. DOE shall base its approval upon the uniform accountability system as promulgated by BESE. Further requires that BESE conduct a comprehensive review of all standards, rules, and regulations for all licenses every three years. Provides that BESE, upon request by DOE, may waive compliance with a licensing minimum standard upon determination that the economic impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff or children is not imperiled. If it is determined that the early learning center is meeting or exceeding the intent of a standard or regulation, the standard or regulation may be deemed to be met.

Proposed law (R.S. 17:407.41) prohibits any individual whose name is recorded on the state central registry within DCFS, as a perpetrator for a justified finding of abuse or neglect of a child from owning or operating a licensed early learning center or be hired by a licensed early learning center as an employee or volunteer of any kind, including any therapeutic professionals, extracurricular personnel, and other independent contractors, unless there is a finding by DCFS that the individual does not pose a risk to children.

Proposed law further requires that the owner, operator, current or prospective employee, or volunteer of a licensed early learning center report annually, and at any time upon the request of DOE, on the state central registry disclosure form promulgated by DCFS, whether or not his name is currently recorded on the state central registry for a justified finding of abuse or neglect and he is the named perpetrator. Further requires any such current or prospective employee or volunteer of a licensed early learning center to submit the state central registry disclosure form to the owner or operator of the facility, who maintains the documents in accordance with current licensing requirements. Any state central registry disclosure form that is maintained in an early learning center licensing file shall be confidential and subject to the confidentiality provisions of present law pertaining to the

investigations of abuse and neglect.

Proposed law further requires any owner, operator, current or prospective employee, or volunteer of a licensed early learning center who knowingly falsifies the information on the state central registry disclosure form shall be guilty of a misdemeanor offense and be fined not more than \$500, or imprisoned for not more than six months, or both. Further, if any owner, operator, current or prospective employee, or volunteer of a licensed early learning center who discloses that he is currently recorded on the state central registry for a justified finding of abuse or neglect shall be entitled to a risk assessment evaluation provided by DCFS to determine whether the individual poses a risk to children. Any such individual who is determined to pose a risk to children shall have the right to file an appeal in accordance with the APA. Any such determination shall be kept on file at all times by DCFS.

Proposed law (R.S. 17:407.42) prohibits any person who has been convicted of or has pled nolo contendere to certain crimes including sex crimes and crimes against children from directly or indirectly owning, operating, or participating in the governance of an early learning center, or being hired by any early learning center as a volunteer or employee of any kind, including any therapeutic professionals, extracurricular personnel, and other independent contractors, or being hired by DOE in a position whose duties include the performance of licensing inspections in early learning centers.

Proposed law requires BESE to establish by regulation, requirements and procedures consistent with the provisions of present law under which:

- (1) The owner or operator of an early learning center may request information concerning whether or not any owner or volunteer, applicant, or employee of any kind including contractors, of an early learning center has been arrested for or convicted of or pled nolo contendere to any criminal offense.
- (2) DOE may request information concerning whether or not an applicant or employee of the department in a position whose duties include the performance of licensing inspections has been arrested for or convicted of or pled nolo contendere to any criminal offense.

Proposed law further requires that the regulation include the requirement and the procedure for the submission of a person's fingerprints in a form acceptable to the Louisiana Bureau of Criminal Identification and Information (LBCII) prior to employment. A person who has submitted his fingerprints to LBCII may be temporarily hired pending the report from LBCII as to any convictions of or pleas of nolo contendere by the person to certain crimes including sex crimes and crimes against children.

Proposed law (R.S. 17:407.43) requires DOE, through its duly authorized agents, to inspect at regular intervals not to exceed one year, and as deemed necessary by DOE, and without previous notice, all early learning centers subject to the provisions of proposed law. Further requires DOE to develop and facilitate coordination with and among other authorized agencies making inspections at regular intervals. Requires the early learning centers to be open to inspection by authorized inspection personnel and by parents or legal custodians of children in care only during working hours.

Proposed law (R.S. 17:407.44) authorizes DOE to deny, revoke, or refuse to renew a license for an early learning center if an applicant has failed to comply with the provisions of proposed law or any applicable published rule or regulation of BESE relating to early learning centers. If a license is denied or revoked, or renewal is refused, the action shall be effective when made, and DOE shall notify the applicant or licensee of such action in writing immediately, and of the reason for the denial or revocation, or refusal to renew the license.

Proposed law (R.S. 17:407.45) provides for the right to appeal such action to the division of administrative law. However, this provision shall in no way preclude the right of the party

to seek relief through mandamus suit against the department, as provided by law.

Proposed law further provides that DOE shall be entitled to seek judicial review from any final decision or order rendered by the division of administrative law in any appeal hearing arising under proposed law. The venue of judicial review shall be the district court of the parish in which the licensee is located.

Proposed law (R.S. 17:407.46) provides that for violations related to supervision, criminal history record checks, the state central registry disclosure form, staff-to-child ratios, motor vehicle checks, or failure to report critical incidents, DOE may issue a written warning that includes a corrective action plan, in lieu of revocation, upon any person or entity violating these requirements if such condition or occurrence does not pose an imminent threat to the health, safety, rights, or welfare of a child. Failure to implement a corrective action plan issued pursuant to proposed law may result in either the assessment of a civil fine or license revocation, or both. Such civil fine shall not exceed \$250 per day for each assessment; however, the aggregate fines assessed for violations determined in any consecutive 12 month period shall not exceed \$2,000.

Proposed law requires BESE to adopt rules in accordance with the APA, which articulate factors in determining the type of sanction imposed including the severity of risk, the actual harm and mitigating circumstances, the failure to implement a written corrective action plan, the history of noncompliance, an explanation of the treatment of continuing and repeat deficiencies, evidence of a good faith effort to comply, and any other relevant factors.

Further, BESE is required to adopt rules and regulations in accordance with the APA to provide for notice to the early learning center of any violation, for a departmental reconsideration process for sanctions issued, and for an appeal procedure including judicial review. Such appeal shall be suspensive. Requires all appeals to be heard by the division of administrative law. During the pendency of an appeal, an early learning center may continue to receive funding for services provided to those eligible children as determined by DOE.

Proposed law authorizes DOE to institute any necessary civil court action to collect fines imposed and not timely appealed. All costs of any successful action to collect such fines shall be awarded to DOE in addition to the fines.

Civil fines collected pursuant to proposed law are required to be deposited immediately into the treasury. After compliance with constitutional requirements relative to the Bond Security and Redemption Fund, and prior to the monies being placed in the state general fund, an amount equal to the amount deposited as provided by proposed law shall be credited to a special fund hereby created in the state treasury to be known as the "Early Learning Center Licensing Trust Fund". The monies in the fund shall be subject to annual appropriation and shall be available exclusively for use by the department for the education and training of employees, staff, or other personnel of child care facilities and child-placing agencies.

Proposed law (R.S. 17:407.47) requires DOE to report all complaints, including but not limited 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 (R.S. 17:407.48) requires DOE make available, upon written request of a parent or legal custodian of any child who has applied for placement in an early learning center licensed by the department, the following information relative to such early learning center:

- (1) Any violations of standards, rules, or regulations in the prior twelve months.
- (2) Any waivers of minimum standards authorized for such early learning center.

Proposed law (R.S. 17:407.49) prohibits BESE and DOE from interfering with the parent-child relationship regarding the religious training of a child, where all of the following conditions are met:

- (1) The parent or legal custodian has enrolled their child in a child care facility, including but not limited to a child residential facility, operated by a religious, nonprofit organization that is exempt from federal income taxes pursuant to 26 U.S.C. 501(c)(3).
- (2) Where, as a condition of enrollment, the child is required to attend religious services or classes and the parent or legal custodian of the child agrees to such condition.

Proposed law (R.S. 17:407.50) requires each licensed early learning center, before November first of each year, to make available to each child's parent or legal custodian information relative to the risks associated with influenza and the availability, effectiveness, known contraindications and possible side effects of the influenza immunization. Proposed law shall not be construed to require any licensed early learning center, DOE, or the DHH to provide or pay for immunizations against influenza.

Proposed law (R.S. 17:407.51) requires BESE to establish an Advisory Council on Early Childhood Care and Education (ACECCE) that consists of the following members:

- (1) Two representatives of Type III early learning centers, selected by the superintendent.
- (2) One representative of a Type II early learning center, selected by the superintendent.
- (3) One representative of a Type I early learning center, selected by the superintendent.
- (4) Two representatives of Head Start programs, one of which shall be operated by a local education agency and selected by BESE, and one of which shall be operated by a non-local education agency and selected by the superintendent.
- (5) Two representatives of local education agencies operating publicly funded early childhood programs other than Head Start, selected by BESE.
- (6) Two representatives of Louisiana non-profit advocacy organizations having a focus on early childhood education, selected by the superintendent.
- (7) Two representatives of approved non-public schools with publicly funded early childhood care and education programs, selected by BESE.
- (8) One professional or faculty member having child development or early childhood education expertise from a Louisiana post-secondary education institution, selected by the commissioner of higher education.
- (9) The president of the Louisiana Chapter of the American Academy of Pediatrics, or his designee.
- (10) One representative of an advocacy or service organization that focuses on serving children with disabilities, selected by the superintendent.
- (11) One representative of a Louisiana business or community organization, selected by BESE.
- (12) One parent of a child currently enrolled in a publicly funded early learning center or prekindergarten program, selected by BESE.

Further provides that the ACECCE include non-voting ex-officio members who may advise and contribute to discussions pertaining to early childhood care and education, including but not limited to the following:

- (1) The chairmen of the House and Senate committees on Education, the House and Senate committees on Health and Welfare, or their designee.
- (2) The secretary of the DCFS or his designee.
- (3) The state director of the Head Start Collaboration.
- (4) A representative of the state agency responsible for programs under Section 619 or Part C of the Individuals with Disabilities Education Act.
- (5) The director of the Maternal Child Health Program at DHH.
- (6) The director of the Child and Adult Care Food Program at DOE.
- (7) The Louisiana State Fire Marshal or his designee.
- (8) A representative from the Office of Sanitarian Services at DHH.
- (9) A representative from the Louisiana Workforce Commission.
- (10) A representative from the Louisiana State Police Bureau of Criminal Identification.

The ACECCE shall provide input and guidance to BESE and DOE on matters pertaining to the development and implementation of rules, regulations, bulletins, policies or standards related to all publicly funded early care and education programs, including early learning centers, enrollment in early learning centers, the Cecil J. Picard LA4 Early Childhood Program, the Child Care Development Fund Block Grant or the Child Care Assistance Program, Early Head Start and Head Start.

Prior to its submission to the United States Department of Health and Human Services, DOE is required to consult and provide a draft of the state plan for the Child Care and Development Fund and its budget, and any amendments to the state plan including budget revisions, and provide an opportunity for ACECCE to make recommendations to BESE.

Prior to the BESE's consideration of any rule or standard related to early learning centers, enrollment in early learning centers, the Cecil J. Picard LA4 Early Childhood Program, the Child Care and Development Fund Block Grant or the Child Care Assistance Program, DOE is required to consult with and provide a draft of the proposed rules to the council, and provide an opportunity for the council to make recommendations. Recommendations made by the council shall be reported to the state board prior to their adoption.

Requires DOE to provide the ACECCE with reports not less than annually of the following activities, provided that data is available, pursuant to a schedule agreed upon by the chair and the superintendent:

- (1) A description of each publicly funded early care and education program, including the eligibility criteria, the program requirements, average number of hours and days of the program, and the amount of total funding and source of funding for each program. The description shall also include a specific description of the fee structure for the Child Care Assistance Program.
- (2) The number of children served in each publicly funded early childhood care and education program in Louisiana, broken down by the age of the child and amount of public funding per child per program.

- (3) The number of early learning centers by each licensing type and at each quality level as determined by the accountability system then in place, and the number of children served at each age in each type at each quality level.
- (4) Description of the training and support provided to each program and the amount of funding for this by program and source of funds.
- (5) Description of unmet family demand for early care and education in Louisiana.
- (6) Description of the goals for the upcoming fiscal year for early care and education in Louisiana, including outcome indicators that will be used to measure progress, and a description of the progress made in achieving the previous year's goals.
- (7) Description and results of any evaluations of the early care and education programs in the state.
- (8) Description of the early care and education workforce, including an analysis of the status of the current early care and education workforce, including demographics, certifications and education levels, participation and level on any professional development ladder, and the participation in any teacher tax credits. The description shall also include information about salaries and benefits, and a comparison of these to similarly qualified employees in other but related fields, and an analysis of the workforce capacity necessary to meet the state's early care and education needs.

Requires DOE to coordinate with the OSFM and the DHH to align standards for licensing of early learning centers with the standards for early childhood education programs.

Proposed law (R.S. 17:407.53) requires BESE to promulgate rules and regulations in accordance with the provisions of the APA to carry out the provisions of proposed law.

Proposed law (R.S. 17:407.63) requires all family child day care homes serving six or fewer children that receive state or federal funds, directly or indirectly, shall be registered.

Proposed law (R.S. 17:407.65) authorizes DOE to visit and inspect registered family child day care homes as deemed necessary.

Proposed law (R.S. 17:407.66) authorizes the OSFM to charge each family child day care home applying for registration or renewal of registration an annual fee for services. The fee of \$30 shall be charged to cover the cost of inspection for family child day care homes. OSFM shall transfer sufficient funds to DHH or DOE for those family child day care homes that receive state or federal funds but do not participate in the federal Child and Adult Care Food Program to carry out the registration process.

Proposed law (R.S. 17:407.67) DHH or DOE is authorized to deny, revoke, or refuse to renew a registration of a registered family child day care home if an applicant has failed to comply with the provisions of proposed law.

Proposed law (R.S. 17:407.68) provides for appellate procedure for the family child day care home after DHH or DOE's refusal to grant or renew a registration or upon the revocation of a registration, with the right to appeal such action to the division of administrative law by submitting a written request for an appeal to the department within 30 calendar days after receipt of the notification of the refusal or revocation.

Proposed law (R.S. 17:407.69) provides for fines of not less than \$25 nor more than \$100 for each day of operation without a valid registration issued by DOE.

Proposed law (R.S. 17:407.70) requires DOE to notify the appropriate agencies if it is determined that one or more violations exist within a family child day care home which

place the health and well-being of a child or children in imminent danger.

Proposed law (R.S. 17:407.71) prohibits employment of persons convicted of certain crimes against children or sex-related crimes. DOE may require a criminal background check.

Further, the primary child care provider of any family child day care home shall have documented current certification in either Infant/Child CPR or Infant/Child/Adult CPR.

Proposed law (R.S. 17:407.72) requires all family child day care home providers receiving payments from DOE to participate in a four-hour orientation that includes at least the following subjects: record keeping; immunization schedules and requirements; recognizing signs of child abuse; child abuse prevention; communicating with parents; age appropriate activities for young children; child development; child safety; and nutritional needs of children. The orientation will count toward the required hours of professional development training mandated by DOE.

Present law (R.S. 46:1445-1448) requires training for child care workers.

Proposed law (R.S. 17:407.81-407.84) retains the intent of present law, but refers to workers formerly known as child care workers as early learning staff.

Present law (R.S. 15:587.1(A)(1)(a)) provides that any employer or others responsible for the actions of one or more persons who have been given or have applied to be considered for a position of supervisory or disciplinary authority over children, DCFS, as employer of one or more persons who have been given or have applied to be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, shall request in writing that the bureau supply information to ascertain whether that person or persons have been arrested for or convicted of, or pled nolo contendere to, any criminal offense. The request must be on a form prepared by the bureau and signed by a responsible officer or official of the organization or department making the request. It must include a statement signed by the person about whom the request is made which gives his permission for such information to be released.

Present law (R.S. 15:587.1(A)(1)(a)) is applicable to proposed law (R.S. 17:407.31-407.51).

Present law in "Child Care Facilities and Child Placing Agencies" in Chapter 14 of Title 46 provides for licensing and regulation of child care facilities, child placing agency, maternity home, and residential homes by the Dept. of Children and Family Services (DCFS).

Proposed law (R.S. 46:1405(D)) requires DOE to maintain on its website all information required by state and federal funding sources, including program statistics for the Child Care Assistance Program.

Proposed law removes the provisions relating to the licensing and regulation of child care facilities that shall be provided by the Dept. of Education as provided in Part X-B of Chapter 1 of Title 17 in proposed law.

Proposed law renames Chapter 14 as the "Specialized Provider Licensing Act" and generally retains provisions of present law relating to licensing and regulation of "specialized providers" by DCFS. Defines "specialized provider" as a child-placing agency, maternity home, or residential home.

Proposed law repeals the La. Advisory Council on Child Care and Early Education.

Provisions of proposed law pertaining to DOE's authority to receive federal funds for the Child Care and Development Fund programs, licensing of early learning centers, certification of early learning staff, the powers and duties of DCFS, and licensing specialized

providers, are effective October 1, 2014. Provisions of proposed law pertaining to family child day care home registration are effective on February 1, 2015.

(Amends R.S. 15:587.1(A)(1)(a), R.S. 36:474(A)(11), and 477(B)(1), R.S. 46:1401, 1402, 1402.1, 1403, 1404(A), 1405, 1406, 1407, 1414.1, 1415, 1417, 1418(A), 1419, 1420(A), 1421, 1422, 1423, 1427, 1428, and 1430; adds R.S. 17:407.26, 407.31-407.53, 407.61-407.72, and 407.81-407.84; and repeals R.S. 46:1414, 1426, 1429 and 1445-1448)

Summary of Amendments Adopted by Senate

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

1. Technical.
2. Exempts stand-alone kindergartens from licensure.
3. Provides that the existing licensure rules promulgated by DCFS shall continue the transferred programs and operations until such time as BESE promulgates its own rules.
4. Establishes an Advisory Council on Early Childhood Care and Education to provide input and guidance to BESE and DOE on matters pertaining to the development and implementation of rules, regulations, bulletins, policies, or standards related to all publicly funded early care and education programs.
5. Establishes a Family Child Day Care Registration law.
6. Requires training for early learning staff.
7. Requires DOE to maintain on its website certain information required by state and federal funding sources.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Clarifies that disbursements of Child Care and Development Funds received from the federal government are subject to legislative appropriation upon the recommendation of DOE, after transfer of lead agency authority from DCFS to DOE.
2. Provides that prior to the transfer of lead agency authority, DCFS shall seek input and approval from DOE in the development of the Child Care and Development Fund state plan or amendments to such plan, prior to its submittal to the federal Department of Health and Human Services.
3. Provides for DCFS and DOE to enter into a cooperative endeavor agreement regarding transition of lead agency authority that is cost neutral to the state and provides for the transfer of funds from DOE to DCFS in an amount to fully fund the indirect costs of DCFS which were previously funded by the Child Care Development Fund, until another funding source is identified by DCFS.
4. Provides that lead agency authority shall transfer no later than July 1, 2015, and that date shall be established in cooperative endeavor agreement.

5. Provides that the cooperative endeavor agreement shall be subject to the review and approval of the Joint Legislative Committee on the Budget.
6. Changes effective date of various sections of proposed law.