

Regular Session, 2014

HOUSE BILL NO. 954

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

EDUCATION/PRE-K: Provides relative to the Cecil J. Picard LA 4 Early Childhood Program

1 AN ACT

2 To enact R.S. 17:407.26 and to repeal R.S. 17:24.10, relative to early childhood education;
3 to provide relative to the Cecil J. Picard LA 4 Early Childhood Program; to provide
4 relative to funding; to provide relative to eligibility criteria; to provide relative to the
5 cost of participation; to provide relative to rules and regulations; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:407.26 is hereby enacted to read as follows:

9 §407.26. The Cecil J. Picard LA 4 Early Childhood Program

10 A. The state Department of Education, referred to in this Section as the
11 "department", shall allocate funding, out of monies appropriated for such purpose,
12 to each public school system that applies for such funding and uses the funding
13 solely for the purpose of providing a program for early childhood development and
14 enrichment activity classes in compliance with the requirements of this Section,
15 which shall be named "The Cecil J. Picard LA 4 Early Childhood Program" and shall
16 be referred to in this Section as "the LA 4 program". Such classes shall be referred
17 to in this Section as "LA 4 classes".

1 B. Subject to the availability of funds, the LA 4 program shall be available
2 to every eligible child. To be eligible for the LA 4 program, a child shall meet all
3 of the following criteria:

4 (1) He is four years old or eligible to enroll in kindergarten in the following
5 school year pursuant to R.S. 17:151.3.

6 (2) He meets the requirements of R.S. 17:170 relative to immunization
7 documentation required for regular school enrollment.

8 (3) He applies to the LA 4 program.

9 C. The cost of the LA 4 program shall be as follows:

10 (1) For children who are "at risk", as defined in the rules and regulations of
11 the State Board of Elementary and Secondary Education, referred to in this Section
12 as the "state board", the LA 4 program shall be provided at no cost, except for any
13 applicable lunch cost and the cost of before and after care.

14 (2) For children who are not "at risk", tuition may be charged on a sliding
15 scale in an amount not to exceed that necessary for the public school system to
16 provide the program.

17 (3) For all children, both "at risk" and not "at risk", each public school
18 system offering the LA 4 program may charge a fee for the cost of meals and the cost
19 of before and after care, subject to state board rules and regulations.

20 D. Beginning with LA 4 program applications for the 2015-2016 school
21 year:

22 (1) The department shall annually determine the demand for the LA 4
23 program.

24 (2) The state board shall consider such demand, the availability of public
25 funds to support the program, and the eligibility of public school systems to receive
26 funds for the program and annually determine the following:

27 (a) The cost of funding all LA 4 program applicants who both meet the
28 eligibility requirements provided in Subsection B of this Section and who are
29 determined to be "at-risk".

1 (b) The method for equitably distributing available funds to eligible public
2 school systems.

3 (c) The difference in dollar amount between the funding required to meet the
4 measured funding demand and the funding available in the fiscal year.

5 E. Each participating school system may work collaboratively with other
6 governmentally funded providers of early childhood education that serve children
7 residing within the jurisdiction of the system, including Head Start and other federal
8 programs, in providing the LA 4 program. Such collaboration may include
9 agreements to share resources if such agreements are documented, no regulation of
10 any provider is compromised or violated, and a clear demarcation of responsibility
11 as to costs, employee supervision, and program administration is maintained.

12 F.(1) Beginning with the 2014-2015 school year and continuing thereafter,
13 each participating school system may use at least ten percent of the total increase in
14 funding for the LA 4 program received each year in excess of the amount received
15 during the previous school year to provide LA 4 classes through collaborative
16 agreements with nonschool system providers of early childhood education that serve
17 children residing within the geographic boundaries of the school system, that meet
18 the definition of an early learning center as provided in Paragraph (2) of this
19 Subsection, and that have attained the minimum quality rating as established by the
20 state board required to be eligible to participate in the program.

21 (2) For the purposes of this Section, "early learning center" means any child
22 day care center, Early Head Start Center, Head Start Center, or stand-alone
23 prekindergarten program not attached to a school.

24 G. In addition to determining the demand for and distribution of funds for
25 the LA 4 program, the state board shall assess all other funding streams in order to
26 facilitate diverse delivery and fulfill demand to the greatest extent possible.

27 H. Each public school system operating the LA 4 program shall include or
28 provide for the following:

1 (1) A full-day program for the hours of the day and the number of days that
2 a regular school program in the school system is in session.

3 (2) A program of developmentally appropriate early childhood education,
4 the content of which shall meet the standards required for accreditation of a high-
5 quality early childhood education program as determined by the state board.

6 (3)(a) A teacher in each classroom, referred to in this Section as the "lead
7 teacher", who is in charge of the classroom, supervises other adults employed in the
8 classroom, plans the activities for the children in the classroom, and is:

9 (i) Certified by the department in nursery school education, kindergarten, or
10 early intervention.

11 (ii) If the superintendent of the employing school system certifies by sworn
12 affidavit that no qualified applicant with a certificate as provided in Item (i) of this
13 Subparagraph has applied for the position, then a teacher certified by the department
14 pursuant to rules adopted by the state board.

15 (iii) If the superintendent of the employing school system certifies by sworn
16 affidavit that no qualified applicant with a certificate as provided in Item (i) or (ii)
17 of this Subparagraph has applied for the position, then the recipient of a degree in
18 elementary education, kindergarten, early childhood education, or early intervention
19 and employed pursuant to the interim emergency policy of the state board for hiring
20 non-certified personnel.

21 (b) The employment, retaining, or reemployment of any person as a lead
22 teacher who is qualified in any way other than as provided in Item (a)(i) of this
23 Paragraph may occur only if such teacher can document consistently working toward
24 obtaining the qualifications in Item (a)(i) of this Paragraph in compliance with the
25 requirements of state board rule or is otherwise deemed qualified in accordance with
26 rules adopted by the state board.

27 (4) A student to lead teacher ratio of no more than twenty to one and a
28 student to adult staff member ratio of no more than ten to one.

1 (5) Classroom and instructional supplies consistent with the standards
 2 required in Paragraph (2) of this Subsection and consistent with standards required
 3 by state board rule.

4 (6) Required professional development, in compliance with state board rule,
 5 for lead teachers and all other persons whose employment in the LA 4 program
 6 involves direct contact with children.

7 (7) Adequate and appropriate space and facilities.

8 I. The department shall:

9 (1) Provide technical assistance to each public school system operating the
 10 LA 4 program and ensure that each participating school system complies with the
 11 requirements of this Section and all rules adopted pursuant to this Section.

12 (2) Develop and implement a system of evaluating the efficiency and
 13 effectiveness of the LA 4 program and conduct a study of the long-term effects of
 14 the program on the school success of the participating children.

15 (3) Provide regular, scheduled, and appropriate professional development for
 16 lead teachers and all other persons whose employment in the LA 4 program involves
 17 direct contact with children pursuant to Paragraph (H)(6) of this Section.

18 Section 2. R.S. 17:24.10 is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Leger

HB No. 954

Abstract: Provides relative to the Cecil J. Picard LA 4 Early Childhood Program, including provisions pertaining to funding, eligibility, cost, and program specifications.

Present law provides for the Cecil J. Picard LA 4 Early Childhood Program. Proposed law retains certain provisions relative to the program and revises or eliminates other provisions, as follows:

Funding

Present law requires the state Dept. of Education (DOE) to allocate funding, out of monies appropriated for such purpose, to each public school system or charter school that applies for funding and uses it solely for the purpose of providing a program (the Cecil J. Picard LA 4 Early Childhood Program or LA 4 program) for early childhood development and

enrichment activity classes (LA 4 classes). Proposed law retains present law but deletes the reference to charter schools and adds a requirement that BESE assess all funding streams in order to facilitate diverse delivery and fulfill demand to the greatest extent possible.

Present law provides that beginning with the 2009-10 school year, each participating school system shall use at least 10% of the total increase in LA 4 funding received each year in excess of the amount received during the 2008-09 school year to provide the early childhood education program component of LA 4 classes through collaborative agreements with nonschool system providers of early childhood education. Provides relative to waiving this requirement under certain conditions.

Proposed law repeals the waiver provisions and authorizes, rather than requires, each participating school system to use at least 10% of the total increase in such funding received each year in excess of the amount received during the previous school year to provide LA 4 classes through such agreements with such providers.

Present law requires that such providers meet the following criteria:

- (1) Serve children residing within the school system's geographic boundaries.
- (2) Meet the present law definition of a child care facility, which is any entity that the state administrator of the Child Care Development Fund determines is eligible to participate in the quality rating system, has applied to the Dept. of Children and Family Services for evaluation under the system, and is participating in the system.
- (3) Have attained the minimum quality rating as established by BESE required to be eligible to participate in the program.

Proposed law retains the criteria in (1) and (3) and revises (2) to instead require that such a provider meet the proposed law definition of "early learning center", which is any child day care center, Early Head Start Center, Head Start Center, or stand-alone prekindergarten program not attached to a school.

Present law requires a nonschool system provider that wishes to participate in LA 4 to include the following information, at minimum, in its application to the school system:

- (1) Verification that it is a provider of early childhood education that meets the definition of a "child care facility" and has attained the minimum quality rating required to be eligible to participate in the program as established by BESE.
- (2) Documentation that it meets requirements provided by present law and BESE rules for participation and documentation relative to its organizational, governance, and operational structure, policies, programs, and practices in place to ensure parental involvement, personnel policies and employment practices, and rules and regulations applicable to children, including disciplinary policies and procedures, the adequacy of its facilities and equipment, the types and amounts of its insurance coverage, and applicable teacher certification requirements.

Proposed law repeals present law.

Eligibility

Present law provides that LA 4 classes shall be provided to every child in a school system's jurisdiction who meets the following criteria:

- (1) Is eligible to enter kindergarten the following year.

- (2) Meets the requirements of present law for immunization documentation required for regular school enrollment.
- (3) Is consistently and regularly in attendance for the early childhood education program portion of the day.

Proposed law retains the immunization requirement and otherwise deletes present law and instead provides, subject to the availability of funds, that the LA 4 program shall be available to each child who meets these eligibility criteria:

- (1) Applies to the LA 4 program.
- (2) Is four years old or eligible to enroll in kindergarten in the following school year.

Cost

Present law provides that LA 4 classes shall be provided at no cost to the child or his family, except for the applicable lunch cost, for any eligible child who is eligible to receive free or reduced price meals pursuant to the federal child nutrition program as documented by a completed application for such meals whether or not such meals are sought.

Prior law provided for the following:

- (1) Until the beginning of the 2013-14 school year, authorized charging tuition, to any child except those eligible to receive free or reduced price meals, on a sliding scale according to family income, according to BESE rule.
- (2) A phased-in implementation of a plan for universal access to LA 4 classes at no cost other than applicable lunch costs (if funding had been available).

Proposed law repeals present law and prior law and provides that the cost of the LA 4 program shall be as follows:

- (1) For at risk children (as defined by BESE): no cost, except for any applicable lunch cost and the cost of before and after care.
- (2) For children who are not at risk: tuition may be charged on a sliding scale in an amount not to exceed that necessary for the program.
- (3) For all children, both at risk and not at risk, authorizes each public school system offering the LA 4 program to charge a fee for the cost of meals and the cost of before and after care, subject to BESE rules.

Program specifications

- (1) Present law requires a full day program of at least 10 hours per day for each day that the school system's regular school program is in session and requires both a program of early childhood education during the period of the day that school is normally in session and a program of high quality enrichment activities before and after school.

Proposed law, deletes present law and requires such hours as the regular school day is in session for the early childhood education program.

- (2) Present law requires a program of developmentally appropriate early childhood education with content meeting standards required for accreditation of a high quality early childhood education program as determined by DOE.

Proposed law retains present law but provides that BESE rather than DOE shall determine these standards.

- (3) Present law requires adequate and appropriate space and facilities.

Proposed law retains present law.

Present law further requires, if early childhood education or enrichment activities are provided at a site not operated by the school system, adequate and appropriate space and facilities that meet the requirements for licensure as a Class A day care.

Proposed law deletes present law.

Present law further requires:

- (1) A student to lead teacher ratio of no more than 20:1 and a student to adult staff member ratio of no more than 10:1.
- (2) Classroom and instructional supplies consistent with the standards for accreditation of a high quality early childhood education program.
- (3) A "lead teacher" who meets certain specific requirements relative to certification or educational credentials.

Proposed law retains present law in (1) through (3) above.

Present law further requires the following:

- (1) Transportation for every student to ensure presence of the child for the early childhood education portion of the LA 4 class. Provides that other transportation may be provided.
- (2) Appropriate meals and snacks for every student.
- (3) Provision for services which support students and families consistent with the needs of the community, which may include health care, employment counseling, literacy services, tutoring, or parental training.

Proposed law repeals the requirements in (1) through (3) above.

Collaboration

Present law authorizes each participating school system to work collaboratively with other governmentally funded providers of early childhood education that serve children residing within the system's jurisdiction of the system, including Head Start and other federal programs, in providing the LA 4 program. Provides that collaboration may include agreements to share resources if such agreements are documented, no regulation of any provider is compromised or violated, and a clear demarcation of responsibility as to costs, employee supervision, and program administration is maintained. Proposed law retains present law.

Requirements for DOE

- (1) Present law requires DOE (a) to provide regional coordinators sufficient to provide each applicant and each participating school system with supportive technical assistance and (b) to ensure that school systems comply with present law and BESE rules relative to LA 4.

Proposed law deletes the requirement that DOE provide regional coordinators to provide supportive technical assistance to each school system and each applicant and instead requires that DOE provide technical assistance to each school system. Otherwise retains present law.

- (2) Present law requires DOE to develop and implement a system of evaluating the efficiency and effectiveness of LA 4 in improving both the preparedness of students for elementary school, especially focused on reading readiness, and a study of the long-term effects of LA 4 classes on the school success of the participating students.

Proposed law deletes the requirement that the evaluation system focus on the preparedness of students for elementary school, especially focused on reading readiness, and otherwise retains present law.

- (3) Present law requires DOE to provide professional development for lead teachers and others whose employment involves direct contact with students. Proposed law retains present law.
- (4) Present law requires DOE to require statistical reporting and other documentation and reporting as is required for primary grades, including the number of children participating in LA 4 classes provided by nonschool system providers. Proposed law repeals present law.
- (5) Present law requires DOE to provide early childhood education models and programs to participating schools. Proposed law repeals present law.

Requirements for DOE and BESE relative to future LA 4 program applications

Proposed law provides for the following, beginning with LA 4 program applications for the 2015-16 school year:

- (1) Requires DOE to annually determine the demand for the LA 4 program.
- (2) Requires BESE to consider such demand, the availability of funds to support the program, and the eligibility of public school systems to receive funds for the program and to annually determine the following:
- (a) The cost of funding all eligible LA 4 program applicants who are considered "at-risk" as defined by BESE.
- (b) The method for equitably distributing available funds to eligible public school systems.
- (c) The difference in dollar amount between the funding required to meet the measured funding demand and the funding available in the fiscal year.

(Adds R.S. 17:407.26; Repeals R.S. 17:24.10)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Reinstates and retains the following present law provisions repealed in the original bill:
- (a) Authority for school systems to work collaboratively with other governmentally funded early childhood education providers.

- (b) Program specifications with respect to student-teacher ratios, classroom and instructional supplies, and lead teachers.
2. Reinstates and revises the following present law provisions repealed in the original bill:
 - (a) The requirement that DOE allocate funding for a program for early childhood development and enrichment activity classes.
 - (b) Provisions relative to school systems' use of 10% of any increase in LA 4 funding to provide for LA 4 through collaborative agreements with nonschool system providers.
 - (c) Program specifications with respect to the minimum hours provided per day, standards, and space and facilities.
 - (d) Certain requirements for DOE relative to LA 4.
 3. Adds to proposed law the following requirements for BESE:
 - (a) Annually determine the difference in dollar amount between the funding required to meet the measured funding demand and the funding available in the fiscal year.
 - (b) Assess all funding streams in order to facilitate diverse delivery and fulfill demand to the greatest extent possible.
 4. Changes proposed law references from "early learning centers" to "public school systems" with respect to what entities offer and receive funding for LA 4.
 5. Deletes the following proposed law:
 - (a) Provision that LA 4 serve as the state's unified strategy for administering all publicly funded early childhood programs for four-year-olds through the Early Childhood Care and Education Network (created in present law) and requirement that such programs comply with BESE rules for network participation.
 - (b) Requirement that DOE support the establishment of a seamless early childhood education system by allocating funds as provided in proposed law.
 - (c) Provision authorizing a cost for children participating in early childhood programs funded through the Child Care Assistance Program, subject to BESE rules.

House Floor Amendments to the engrossed bill.

1. Made technical changes.