

Regular Session, 2013

SENATE BILL NO. 222

BY SENATOR WALSWORTH

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

CHILDREN. Provides for licensure procedures for early childhood learning centers.  
(1/1/14)

1 AN ACT  
2 To amend and reenact R.S. 46:1403, 1404(A), 1405, 1415, 1419 through 1422, 1425(A) and  
3 (B), and 1428(A), to enact R.S. 46:1406 and 1407, and to repeal R.S. 46:1408, 1409,  
4 1412, 1413, and 1424, relative to child care facilities; to provide for licensure  
5 requirements; to provide for transitional provisions; to provide for licensure  
6 procedures; to provide for rules; to provide for disclosure; to provide for agencies  
7 and facilities subject to regulation; to provide for revocation or refusal to renew  
8 licenses; to provide for violations; to provide for appeals; to provide for penalties;  
9 to provide for injunctive relief; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 46:1403, 1404(A), 1405, 1415, 1419 through 1422, 1425(A) and (B),  
12 and 1428(A) are hereby amended and reenacted, and R.S. 46:1406 and 1407 are hereby  
13 enacted to read as follows:

14 §1403. Definitions

15 A. As used in this Chapter, the following definitions shall apply unless the  
16 context clearly states otherwise:

17 (1) **"Camp" means any place or facility operated by any institution,**

1 society, agency, corporation, person or persons, or any other group which serves  
2 only children at least five years of age or older and operates only when school  
3 is not in session during the summer months or school holidays, or both.

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

7 ~~(2)~~(3) "Child-placing agency" means any institution, society, agency,  
8 corporation, facility, person or persons, or any other group engaged in placing  
9 children in foster care or with substitute parents for temporary care or for adoption,  
10 or engaged in assisting or facilitating the adoption of children, or engaged in placing  
11 youth in transitional placing programs, but shall not mean a person who may  
12 occasionally refer children for temporary care.

13 ~~(3) "Community home" means any place, facility, or home operated by any~~  
14 ~~institution, society, agency, corporation, person or persons, or any other group which~~  
15 ~~receives therein at least four but not more than six individuals, who are not related~~  
16 ~~to the operator and whose parents or guardians are not residents of the same facility,~~  
17 ~~for supervision, care, lodging, and maintenance, with or without transfer of custody.~~

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

1 9:00 p.m. shall meet the appropriate regulations established for nighttime care.

2 (5) "Department" means ~~the Department of Health and Hospitals, with~~  
3 ~~respect to facilities and agencies funded under Title XIX of the Social Security Act,~~  
4 ~~and the Department of Children and Family Services for all other facilities and~~  
5 ~~agencies.~~

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

9 ~~(6)(7) "Group home" means any place, facility, or home operated by any~~  
10 ~~institution, society, agency, corporation, person or persons, or any other group which~~  
11 ~~receives therein at least seven but not more than fifteen children who are not related~~  
12 ~~to the operators and whose parents or guardians are not residents of the same facility~~  
13 ~~for supervision, care, lodging, and maintenance, with or without transfer of custody.~~

14 **"License category" means the category of license applied for or held, which**  
15 **shall include early childhood learning centers, maternity homes, residential**  
16 **homes, and child-placing agencies.**

17 ~~(7)(8) "License type" means the type of license applied for or held,~~  
18 **which shall include Type I, Type II, Type III, and Type IV licenses.**

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

27 ~~(8)(10) "Related" or "relative" means a natural or adopted child or~~  
28 ~~grandchild of the caregiver or a child in the legal custody of the caregiver.~~

29 ~~(9)(11) "Residential home" means any place, facility, or home operated by~~

1 any institution, society, agency, corporation, person or persons, or any other group  
2 to provide full-time care, twenty-four hours per day, for ~~more than fifteen~~ more  
3 than four children who are not related to the operators and whose parents or  
4 guardians are not residents of the same facility, with or without transfer of custody.  
5 ~~A residential home as defined in this Paragraph includes facilities known as~~  
6 ~~children's homes, halfway houses, residential treatment centers, training schools, and~~  
7 ~~facilities for the mentally retarded, emotionally disturbed, socially maladjusted, or~~  
8 ~~otherwise mentally or physically handicapped.~~

9 ~~(10)~~(12) "School", as referred to in R.S. 46:1415, means any institution or  
10 facility which provides for education of children in grades one or above. Any  
11 kindergarten or prekindergarten attached thereto shall be considered part of that  
12 school.

13 (13) "Specialized provider" means a child-placing agency, maternity  
14 home, or residential home.

15 (14) A "Type I license" means a license held by a child day care center  
16 or residential home that is owned or operated by a church or religious  
17 organization that does not wish to be licensed as a Type II, Type III, or Type IV  
18 center. "Type I license" also means a license held by a child day care center or  
19 residential home holding a Class B license prior to the effective date of this  
20 Section.

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

25 (16) "Type III license" means the license held by any publicly- or  
26 privately-owned early childhood learning center which receives state or federal  
27 funds, directly or indirectly, from any source other than the federal food and  
28 nutrition program. Type III early childhood learning centers must meet the  
29 performance and academic standards of the Early Childhood Care and

1           Education Network regarding kindergarten readiness, as determined by the  
2           State Board of Elementary and Secondary Education.

3                   (17) "Type IV license" means the license held by any publicly- or  
4                   privately-owned specialized provider.

5                   ~~(11)~~(18) "Youth" means a person not less than sixteen years of age nor older  
6                   than twenty-one years of age.

7                   B. For purposes of this Chapter "child care facility" shall include ~~community~~  
8                   ~~homes, maternity homes, group homes, day care~~ early childhood learning centers,  
9                   and residential homes as defined in this Section.

10   \*       \*       \*

11           §1404. Requirement of licensure

12                   A. All ~~child care facilities~~ early childhood learning centers and ~~child-~~  
13                   ~~placing agencies~~ specialized providers, including facilities owned or operated by  
14                   any governmental, profit, nonprofit, private, or church agency, shall be licensed.  
15                   Child care facility licenses shall be of ~~two~~ four types: ~~Class A and Class B. All~~  
16                   ~~child-placing agency licenses shall be Class A only.~~ Type I, Type II, Type III, and  
17                   Type IV.

18   \*       \*       \*

19           §1405. Transitional provisions

20                   ~~All child care facilities which were licensed on September 1, 1985, shall~~  
21                   ~~automatically be issued Class A licenses. All child care facilities which were~~  
22                   ~~registered on September 1, 1985, shall automatically be issued Class B licenses~~  
23                   ~~without the necessity of making an application for licensure~~ A.(1) Until such time  
24                   as rules are promulgated by the department, child care facilities and  
25                   child-placing agencies shall follow the rules, regulations, and standards for  
26                   Class A and Class B licensure as established by R.S. 46:1409 and 1413.

27                   (2) The department shall create an early childhood learning working  
28                   group to include one representative from Louisiana’s Early Childhood Advisory  
29                   Council, the Child Care Association of Louisiana, the nonpublic school council,

1 the Louisiana Head Start Association, the Department of Children and Family  
2 Services, the Department of Education, the Children's Cabinet, and the Office  
3 of the Governor. Such working group shall include participants having  
4 expertise in infants and toddlers, pediatric health, pediatric mental health,  
5 cognitive development, and social emotional development. The department  
6 shall seek input from the working group in the development of the rules and  
7 regulations establishing Type I, Type II, and Type III licenses and shall submit  
8 the proposed rules and regulations pursuant to this Section to the working  
9 group for approval. Such working group shall forward the proposed rules and  
10 regulations to the Children's Defense Fund, the Louisiana Association for the  
11 Education of Young Children, and Louisiana Partnership for Children and  
12 Families no later than November 1, 2013, for review and comment.

13 B. All existing child day care centers or residential homes possessing a  
14 Class B license on July 31, 2013, shall be issued a Type I license as provided by  
15 rule.

16 C.(1) All child day care centers that meet the definition for a Type II  
17 license pursuant to this Chapter shall be issued a Type II license.

18 (2) Any child day care center possessing a Class A license upon the  
19 effective date of this Section that meets the definition of a Type II license  
20 pursuant to this Chapter, shall be issued a Type II license.

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

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

27 (2) Any maternity home, residential home, or child-placing agency  
28 possessing a Class A license upon the effective date of this Section that meets the  
29 definition of a Type IV license pursuant to this Chapter, shall be issued a Type

1           **IV license.**

2                       **F. Any early childhood learning center requesting to change their license**  
3                       **type for the following year shall apply to the department no later than**  
4                       **December first of the preceding year. This Subsection shall not apply to early**  
5                       **childhood learning centers changing location or ownership that are required to**  
6                       **apply for a new license pursuant to Subsection 1406(C) of this Chapter.**

7           **§1406. Licenses; application; temporary or provisional; fees**

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

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

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

27                      **D. All licensed facilities shall display the license in a prominent place at**  
28                      **the facility, except that a facility operated by a church or religious organization**  
29                      **may be exempt from such requirement provided the license is available upon**

1           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  
4                   license fee in effect for all Class A and Class B child care facilities and child-  
5                   placing agencies possessing such license upon the effective date of this Section,  
6                   without an increase in the amount of such fees.

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

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

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

24                  I. The fees provided for in this Section shall not apply to any Type I  
25                  child day care center owned or operated by a church or religious organization.

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

29                  §1407. Rules, regulations and standards for licenses



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

8           **B.(1) The regulations developed by the department, at a minimum,**  
9           **shall:**

10           **(a) Promote the health, safety, and welfare of children attending any**  
11           **facility.**

12           **(b) Promote safe, comfortable, and proper physical facilities.**

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

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

17           **(e) Prohibit discrimination by early childhood learning centers and**  
18           **specialized providers on the basis of race, color, creed, sex, national origin,**  
19           **handicap, ancestry, or whether the child is being breastfed. However, this shall**  
20           **not restrict the hiring or admission policies of a licensed day care center owned**  
21           **by a church or religious organization, which may give preference in hiring or**  
22           **admission to members of the church or denomination. Nor shall it affect the**  
23           **rights of religious sectarian child-placing agencies to consider creed in any**  
24           **decision or action relating to foster care or adoption.**

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

29           **(g) Include procedures by which parents and guardians are given an**

1 opportunity for consultation and information about the educational and  
2 therapeutic programs for the child in attendance.

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

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

6 (j) Include procedures for the child's return to the parents.

7 Arrangements for the child's return to the parent shall not include third parties  
8 or other child care agencies unless written agreement between the child care  
9 agency and the parent is on file with the child care agency.

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

15 (2) Any entity approved by the department shall be required to have the  
16 following:

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

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

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

26 (3) No facility holding a Type I license shall receive any state or federal  
27 funds, from any source, whether directly or indirectly. If a facility holding a  
28 Type I license receives any state or federal funds, its license shall be  
29 automatically revoked.

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

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

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

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

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

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

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

29           **I. Every facility shall have a written discipline policy, which shall be**

1 **made available to parents and to authorized inspection personnel upon request.**

2 \* \* \*

3 §1415. Facilities and agencies subject to regulation; exemptions

4 **A.** All ~~child care facilities~~ **early childhood learning centers** and ~~child-~~  
5 ~~placing agencies~~ **specialized providers** shall be subject to the provisions of this  
6 Chapter. However, private or public day schools serving children in grades one and  
7 above ~~or operating,~~ **including any** kindergartens or prekindergarten programs  
8 **attached thereto**, as well as ~~Montessori schools,~~ camps, and all care given without  
9 charge, shall be exempt from such provisions.

10 **B. Nothing in this Chapter shall apply to facilities licensed by the**  
11 **Department of Health and Hospitals.**

12 \* \* \*

13 §1419. Revocation or refusal to renew license; written notice

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

23 §1420. Refusal or revocation of license; appeal procedure

24 **A.** Upon the refusal of the department to grant a license or upon the  
25 revocation of a license, the agency, institution, society, corporation, person or  
26 persons, or other group having been refused a license or having had a license  
27 revoked shall have the right to appeal such action by submitting a written request to  
28 the secretary of the department within thirty days after receipt of the notification of  
29 the refusal of the license or, in the case of revocation, within fifteen calendar days

1 after receipt of the notification of the revocation. The appeal hearings shall be held  
 2 no later than thirty days after the request therefor, except as provided in the  
 3 Administrative Procedure Act, and shall be conducted in accordance with applicable  
 4 regulations of the department and the provisions of R.S. 46:107. This provision shall  
 5 in no way preclude the right of the party to seek relief through mandamus suit  
 6 against the department, as provided by law.

7 **B. Notwithstanding any law, rule, regulation, or provision to the**  
 8 **contrary, including but not limited to R.S. 49:964(A)(2), the Department of**  
 9 **Children and Family Services shall be entitled to seek judicial review from any**  
 10 **final decision or order rendered by the division of administrative law in any**  
 11 **appeal hearing arising under this Chapter.**

12 §1421. Operating without or in violation of license; penalty

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

17 §1422. Operating without or in violation of license; injunctive relief

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

26 \* \* \*

27 §1425. Adoption services; requirements for advertising; injunctive relief;  
 28 exceptions; penalties

29 A. It shall be unlawful for any person other than a **licensed** child-placing

1 agency ~~possessing a Class A or Class B license~~ or a Louisiana-based crisis  
 2 pregnancy center to advertise through print or electronic media that it will adopt  
 3 children or assist in the adoption of children.

4 B. If any person advertises in violation of this Section, the attorney general,  
 5 the Department of Children and Family Services, the appropriate district attorney,  
 6 or any licensed ~~Class A or Class B~~ child-placing agency or a Louisiana-based crisis  
 7 pregnancy center may file suit in district court according to the general rules of  
 8 venue to obtain injunctive relief to restrain the person from continuing the violation.

9 \* \* \*

10 §1428. Immunization information; influenza

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

20 \* \* \*

21 Section 2. R.S. 46:1408, 1409, 1412, 1413, and 1424 are hereby repealed.

22 Section 3. Sections 1 and 2 shall become effective on January 1, 2014.

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The original instrument was prepared by Alan Miller. The following digest,  
 which does not constitute a part of the legislative instrument, was prepared  
 by Tammy Crain-Waldrop.

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#### DIGEST

Walsworth (SB 222)

Present law provides for licensing of child-placing agencies, community homes, day care centers, group homes, maternity homes, and residential homes with Class A and Class B licenses.

Proposed law provides for licensing of child-placing agencies, community homes, child day care centers, group homes, maternity homes, and residential homes with Type I, II and III

licenses.

Proposed law provides for the definition of camp and child day care center.

Proposed law defines a "specialized provider" as a child-placing agency, maternity home, or residential home.

Proposed law defines a "Type I license" as a license held by a child day care center or residential home that is owned or operated by a church or religious organization that does not wish to be licensed as a Type II, Type III or Type IV center. "Type I license" also means a license held by a child day care center or residential home holding a Class B license prior to the effective date of the proposed law.

Proposed law defines a "Type II license" as a license held by a privately-owned child day care 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 the federal food and nutrition program.

Proposed law defines a "Type III license" as a license held by any publicly- or privately-owned early childhood learning center which receives state or federal funds, directly or indirectly, from any source other than the federal food and nutrition program. Type III early childhood learning centers must 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 defines "Type IV license" as the license held by any publicly - or privately-owned specialized provider.

Proposed law requires the department to create an early childhood learning working group to seek input in developing rules and regulations to establish Type I, Type II and Type III licenses.

Proposed law provides that all existing child day care centers or residential homes possessing a Class B license on July 31, 2013, will be issued a Type I license.

Proposed law provides that all child day care centers that meet the definition for a Type II license pursuant to proposed law shall be issued a Type II license.

Proposed law provides any child day care center possessing a Class A license on the effective date of the proposed law that meets the definition of Type II license pursuant to proposed law shall be issued a Type II license.

Proposed law provides that all existing childhood learning centers that meet the definition for a Type III license pursuant to proposed law shall be issued a Type III license as provided by rule.

Proposed law provides that all existing child-placing agencies, maternity homes, and residential homes that meet the definition for a Type IV license pursuant to proposed law shall be issued a Type IV license.

Proposed law provides any maternity home, residential home, or child-placing agency possessing a Class A license upon the effective date of the proposed law that meets the definition of a Type IV license pursuant to proposed law shall be issued a Type IV license.

Proposed law provides any early childhood learning center requesting to change its license type shall apply with the department no later than December first of the preceding year.

Proposed law provides that all applicable fees provided for in present law remain in effect.

Exempts from fees any Type I child day care center owned or operated by a church or religious organization.

Proposed law requires the department to promulgate regulations for each category and type of license to carry out the provisions of proposed law in accordance with the provisions of the APA. Requires that the department seek input and guidance from the Louisiana Advisory Council on Child Care and Early Education concerning the proposed rules and regulations for approval of Type I, Type II and Type III facilities in accordance with the APA.

The regulations developed by the department, at a minimum, shall:

- (1) Promote the health, safety, and welfare of children attending any facility.
- (2) Promote safe, comfortable, and proper physical facilities.
- (3) Ensure adequate supervision of those attending facilities by capable, qualified, and healthy personnel.
- (4) Ensure adequate and healthy food service in facilities where food is offered.
- (5) Prohibit discrimination by early childhood learning centers and specialized providers on the basis of race, color, creed, sex, national origin, handicap, ancestry, or whether the child is being breastfed. However, this shall not restrict the hiring or admission policies of a licensed day care center owned by a church or religious organization, which may give preference in hiring or admission to members of the church or denomination. Nor shall it affect the rights of religious sectarian child-placing agencies to consider creed in any decision or action relating to foster care or adoption.
- (6) Require providers to have a written description of admission policies and criteria which expresses the needs, problems, situations, or patterns best addressed by its program. These policies shall be available to the person legally responsible for any child referred for placement.
- (7) Include procedures by which parents and guardians are given an opportunity for consultation and information about the educational and therapeutic programs for the child in attendance.
- (8) Include regulations and standards for nighttime care.
- (9) Include procedures for the receipt, recordation, and disposition of complaints.
- (10) Include procedures for the child's return to the parents. Arrangements for the child's return to the parent shall not include third parties or other child-care agencies unless written agreement between the child-care agency and the parent is on file with the child care agency.
- (11) Include procedures that allow an early childhood learning center to remedy certain deficiencies immediately upon identification by the department in an onsite inspection, provided that any deficiency that may be remedied in such manner does not constitute a critical violation of licensing standards as determined by the department.

Proposed law requires any entity approved by the department to do the following:

- (1) Gain approval from the office of state fire marshal.



- (2) Gain approval from the office of public health.
- (3) Adhere by Type III early childhood learning centers to the performance and academic standards of the Early Childhood Care and Education Network regarding kindergarten readiness as determined by BESE. The Department of Education shall base its approval upon the uniform accountability system.

Proposed law provides no facility holding a Type I license shall receive any state or federal funds, from any source, whether directly or indirectly. If a facility holding a Type I license receives any state or federal funds, its license shall be automatically revoked.

Proposed law requires that no facility holding a Type II license shall receive any state or federal funds, from any source, whether directly or indirectly, other than those received solely for food and nutrition. If a facility holding a Type II license receives any state or federal funds, whether directly or indirectly, other than those received solely for food and nutrition, its license or authorization certificate shall be automatically revoked.

Proposed law requires the department to prepare standard forms for applications and for inspection reports.

Proposed law requires a comprehensive review of all standards, rules, and regulations for all licenses shall be made at least every three years by the department.

Proposed law allows the department secretary, in specific instances, to waive compliance with a 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 facility or agency is meeting or exceeding the intent of a standard or regulation, the standard or regulation may be deemed to be met.

Proposed law provides discrimination by child-care facilities and child-placing agencies on the basis of race, color, creed, sex, national origin, disability as defined by present law, ancestry, or whether the child is being breastfed is prohibited. However, this shall not restrict the hiring or admission policies of a church or religious organization, which may give presence in hiring or admission to members of the church or denomination.

Proposed law prohibits the department from regulating or attempting to regulate or control the religious or spiritual content of the curriculum of a school or facility sponsored by a church or religious organization.

Proposed law provides that nothing in the rules, regulations, and standards adopted pursuant to proposed law shall authorize or require medical examination, immunization, or treatment of any child whose parents object to such examination, immunization, or treatment on religious grounds.

Proposed law requires that every facility have a written discipline policy, which shall be made available to parents and to authorized inspection personnel upon request.

Effective January 1, 2014.

(Amends R.S. 46:1403, 1404(A), 1405, 1415, 1419 through 1422, 1425(A) and (B), and 1428(A); adds R.S. 46:1406 and 1407; and repeals R.S. 46:1408, 1409, 1412, 1413, and 1424)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Removes authorization certificates.
2. Defines a Type I license.
3. Provides for licensure transition.
4. Creates a child care committee within the Department of Children and Family Services.
5. Prohibits a facility holding a Type I license from receiving any federal or state funds.
6. Prohibits discrimination.
7. Technical changes.

Senate Floor Amendments to engrossed bill

1. Changes child day care centers to early childhood learning centers.
2. Corrects definition of license types.
3. Creates an early childhood learning work group.
4. Technical changes.
5. Makes Legislative Bureau technical changes.
6. Provides additional definitions.
7. Exempts facilities licensed by DHH from certain provisions of present and proposed law.