Regular Session, 2013

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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), 1426, 1428(A), and 1429, to enact R.S. 46:1406 and 1407, and to repeal R.S.
4	46:1408, 1409, 1412, 1413, and 1424, relative to child care facilities; to provide for
5	definitions; to provide for licensure requirements; to provide for transitional
6	provisions; to provide for licensure procedures; to provide for rules; to provide for
7	disclosure; to provide for agencies and facilities subject to regulation; to provide for
8	revocation or refusal to renew licenses; to provide for violations; to provide for
9	appeals; to provide for penalties; to provide for injunctive relief; and to provide for
10	related matters.
11	Be it enacted by the Legislature of Louisiana:
12	Section 1. R.S. 46:1403, 1404(A), 1405, 1415, 1419 through 1422, 1425(A) and (B),
13	1426, 1428(A), and 1429 are hereby amended and reenacted and R.S. 46:1406 and 1407 are
14	hereby enacted to read as follows:
15	§1403. Definitions
16	A. As used in this Chapter, the following definitions shall apply unless the
17	context clearly states otherwise:

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1	(1) <u>"Camp" means any place or facility operated by any institution,</u>
2	society, agency, corporation, person or persons, or any other group which serves
3	only children five years of age or older and operates only when school is not in
4	session during the summer months or school holidays, or both.
5	(2) "Child" means a person who has not reached age eighteen or otherwise
6	been legally emancipated. The words "child" and "children" are used
7	interchangeably in this Chapter.
8	(2)(3) "Child-placing agency" means any institution, society, agency,
9	corporation, facility, person or persons, or any other group engaged in placing
10	children in foster care or with substitute parents for temporary care or for adoption,
11	or engaged in assisting or facilitating the adoption of children, or engaged in placing
12	youth in transitional placing programs, but shall not mean a person who may
13	occasionally refer children for temporary care.
14	(3) "Community home" means any place, facility, or home operated by any
15	institution, society, agency, corporation, person or persons, or any other group which
16	receives therein at least four but not more than six individuals, who are not related
17	to the operator and whose parents or guardians are not residents of the same facility,
18	for supervision, care, lodging, and maintenance, with or without transfer of custody.
19	(4) "Day Child day care center" means any place or facility operated by any
20	institution, society, agency, corporation, person or persons, or any other group for
21	the purpose of providing care, supervision, and guidance of seven or more children,
22	not including those related to the caregiver, unaccompanied by parent or guardian,
23	on a regular basis for at least twelve and one-half hours in a continuous seven-day
24	week. If a child day care center provides transportation or arranges for
25	transportation to and from the center, either directly or by contract with third
26	parties, all hours during which a child is being transported shall be included in
27	calculating the hours of operation. A child day care center that remains open for
28	more than twelve and one-half hours in a continuous seven-day week, and in which
29	no individual child remains for more than twenty-four hours in one continuous stay
30	shall be known as a full-time child day care center. A child day care center that

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1	remains open after 9:00 p.m. shall meet the appropriate regulations established for
2	nighttime care.
3	(5) "Department" means the Department of Health and Hospitals, with
4	respect to facilities and agencies funded under Title XIX of the Social Security Act,
5	and the Department of Children and Family Services for all other facilities and
6	agencies.
7	(6) "Early childhood learning center" means any child day care center,
8	<u>Early Head Start grantee, Head Start grantee, or stand-alone prekindergarten</u>
9	or kindergarten program that is not attached to a school and that is licensed by
10	the state.
11	(6)(7) "Group home" means any place, facility, or home operated by any
12	institution, society, agency, corporation, person or persons, or any other group which
13	receives therein at least seven but not more than fifteen children who are not related
14	to the operators and whose parents or guardians are not residents of the same facility
15	for supervision, care, lodging, and maintenance, with or without transfer of custody.
16	"License category" means the category of license applied for or held, which
17	shall include early childhood learning centers, maternity homes, residential
18	homes, and child-placing agencies.
19	(7)(8) "License type" means the type of license applied for or held,
20	which shall include Type I, Type II, Type III, and Type IV licenses.
21	(9) "Maternity home" means any place or facility in which any institution,
22	society, agency, corporation, person or persons, or any other group regularly receives
23	and provides necessary services for children before, during, and immediately
24	
	following birth. This definition shall not include any place or facility which receives
25	following birth. This definition shall not include any place or facility which receives and provides services for women who receive maternity care in the home of a
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	and provides services for women who receive maternity care in the home of a
26	and provides services for women who receive maternity care in the home of a relative within the sixth degree of kindred, computed according to civil law, or
26 27	and provides services for women who receive maternity care in the home of a relative within the sixth degree of kindred, computed according to civil law, or general or special hospitals in which maternity treatment and care is part of the

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1	(9)(11) "Residential home" means any place, facility, or home operated by
2	any institution, society, agency, corporation, person or persons, or any other group
3	to provide full-time care, twenty-four hours per day , for more than fifteen more
4	than four children who are not related to the operators and whose parents or
5	guardians are not residents of the same facility, with or without transfer of custody.
6	A residential home as defined in this Paragraph includes facilities known as
7	children's homes, halfway houses, residential treatment centers, training schools, and
8	facilities for the mentally retarded, emotionally disturbed, socially maladjusted, or
9	otherwise mentally or physically handicapped.
10	(10)(12) "School", as referred to in R.S. 46:1415, means any institution or
11	facility which provides for education of children in grades one or above. Any
12	kindergarten or prekindergarten attached thereto shall be considered part of that
13	school.
14	(13) "Specialized provider" means a child-placing agency, maternity
15	home, or residential home.
16	(14) "Type I license" means a license held by a child day care center or
16 17	(14) "Type I license" means a license held by a child day care center or residential home that is owned or operated by a church or religious
17	residential home that is owned or operated by a church or religious
17 18	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
17 18 19	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. Nothing herein shall be construed to require a children's religious
17 18 19 20	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. Nothing herein shall be construed to require a children's religious ministry program operated by a church or other religious organization in
17 18 19 20 21	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. Nothing herein shall be construed to require a children's religious ministry program operated by a church or other religious organization in accordance with R.S. 46:1429 to be licensed pursuant to this Chapter. "Type
 17 18 19 20 21 22 	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. Nothing herein shall be construed to require a children's religious ministry program operated by a church or other religious organization in accordance with R.S. 46:1429 to be licensed pursuant to this Chapter. "Type I license" also means a license held by a child day care center or residential
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 17 18 19 20 21 22 23 24 	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. Nothing herein shall be construed to require a children's religious ministry program operated by a church or other religious organization in accordance with R.S. 46:1429 to be licensed pursuant to this Chapter. "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 this Section. (15) "Type II license" means the license held by a privately owned child
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 17 18 19 20 21 22 23 24 25 26 27 	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. Nothing herein shall be construed to require a children's religious ministry program operated by a church or other religious organization in accordance with R.S. 46:1429 to be licensed pursuant to this Chapter. "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 this Section. (15) "Type II license" means the 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.

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1	nutrition program. Type III early childhood learning centers shall meet the
2	performance and academic standards of the Early Childhood Care and
3	Education Network regarding kindergarten readiness, as determined by the
4	State Board of Elementary and Secondary Education.
5	(17) "Type IV license" means the license held by any publicly or
6	privately owned specialized provider.
7	(11)(18) "Youth" means a person not less than sixteen years of age nor older
8	than twenty-one years of age.
9	B. For purposes of this Chapter "child care facility" shall include community
10	homes, maternity homes, group homes, day care early childhood learning centers,
11	and residential homes as defined in this Section.
12	* * *
13	§1404. Requirement of licensure
14	A. All child care facilities early childhood learning centers and child-
15	placing agencies specialized providers, including facilities owned or operated by
16	any governmental, profit, nonprofit, private, or church agency, shall be licensed.
17	Child care facility licenses shall be of two four types: Class A and Class B. All
18	child-placing agency licenses shall be Class A only. <u>Type I, Type II, Type III, and</u>
19	<u>Type IV.</u>
20	* * *
21	§1405. Transitional provisions
22	All child care facilities which were licensed on September 1, 1985, shall
23	automatically be issued Class A licenses. All child care facilities which were
24	registered on September 1, 1985, shall automatically be issued Class B licenses
25	without the necessity of making an application for licensure A.(1) Until such time
26	as rules are promulgated by the department to implement the types of licenses
27	required by R.S. 46:1404, child care facilities and child-placing agencies shall
28	follow the rules, regulations, and standards in effect for Class A and Class B
29	licensure.
30	(2) The department shall create an early childhood learning working

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1	group to include one representative from Louisiana's Early Childhood Advisory
2	Council, the Child Care Association of Louisiana, the Nonpublic School
3	<u>Council, the Louisiana Head Start Association, the Department of Children and</u>
4	Family Services, the Department of Education, the Children's Cabinet, and the
5	office of the governor. Such working group shall include participants having
6	expertise in care of infants and toddlers, pediatric health, pediatric mental
7	health, cognitive development, and social emotional development. The
8	<u>department shall seek input from the working group in the development of the</u>
9	rules and regulations establishing Type I, Type II, and Type III licenses and
10	shall submit the proposed rules and regulations pursuant to this Section to the
11	working group for approval. Such working group shall forward the proposed
12	rules and regulations to the Children's Defense Fund, the Louisiana Association
13	for the Education of Young Children, and Louisiana Partnership for Children
14	and Families no later than November 1, 2013, for review and comment. The
15	working group shall be dissolved on the effective date of any provision of law
16	which transfers statutory authority for licensing of child day care centers from
17	the Department of Children and Family Services to the Department of
18	Education.
19	B. All existing child day care centers or residential homes possessing a
20	Class B license shall be issued a Type I license as provided by rule.
21	C.(1) All child day care centers that meet the definition for a Type II
22	license pursuant to this Chapter shall be issued a Type II license as provided by
23	<u>rule.</u>
24	(2) Any child day care center possessing a Class A license upon the
25	effective date of this Section that meets the definition of a Type II license
26	pursuant to this Chapter shall be issued a Type II license as provided by rule.
27	D. All existing early childhood learning centers that meet the definition
28	for a Type III license pursuant to this Chapter shall be issued a Type III license
29	as provided by rule.
30	E.(1) All existing child placing agencies, maternity homes, and

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1	residential homes that meet the definition for a Type IV license pursuant to this
2	Chapter shall be issued a Type IV license as provided by rule.
3	(2) Any maternity home, residential home, or child-placing agency
4	possessing a Class A license upon the effective date of this Section that meets the
5	definition of a Type IV license pursuant to this Chapter shall be issued a Type
6	<u>IV license.</u>
7	F. Any early childhood learning center that requests to change its license
8	type for the following year shall apply to the department no later than
9	December first of the preceding year. This Subsection shall not apply to early
10	childhood learning centers changing location or ownership that are required to
11	apply for a new license pursuant to R.S. 46:1406(C).
12	<u>§1406. Licenses; application; temporary or provisional; fees</u>
13	A. Application for licensure of a new child care facility or specialized
14	provider shall be made by the child care facility or specialized provider to the
15	department upon forms furnished by the department. Upon receipt of the
16	application for a license and verification that minimum requirements for such
17	license as established by rule are satisfied, and that the facility or agency is in
18	compliance with all other state and local laws and regulations, the department
19	shall issue a Type I, Type II, Type III, or Type IV license for the appropriate
20	license category for such period as may be provided for by rule.
21	B. The department may provide through the promulgation of rules for
22	the issuance of temporary, provisional, or extended licenses for each license
23	category and type if a disapproval has not been received from any other state
24	or local agency authorized by any other laws or rules to inspect such facilities
25	or agencies.
26	C. A license of any type or category shall apply only to the location
27	stated on the application, and such license, once issued, shall not be transferable
28	from one person to another or from one location to another. If the location or
29	ownership of the facility is changed, then the license shall be automatically
30	revoked. A new application form shall be completed prior to all license

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1	<u>renewals.</u>
2	D. Each licensed facility shall display its license in a prominent place at
3	the facility, except that a facility operated by a church or religious organization
4	may be exempt from such requirement, provided the license is available upon
5	<u>request.</u>
6	E. There shall be an annual license fee for each type of early childhood
7	learning center and specialized provider in an amount equal to the annual
8	license fee in effect for all Class A and Class B child care facilities and child-
9	placing agencies possessing such license upon the effective date of this Section,
10	without an increase in the amount of such fees.
11	F. There shall be an annual license fee of twenty-five dollars for any
12	license issued to an early childhood learning center providing care for fifteen or
13	fewer children; one hundred dollars for any license issued to an early childhood
14	learning center providing care for at least sixteen but no more than fifty
15	children; one hundred seventy-five dollars for any license issued to an early
16	childhood learning center providing care for at least fifty-one but no more than
17	one hundred children; and two hundred fifty dollars for any license issued to an
18	early childhood learning center providing care for more than one hundred
19	<u>children.</u>
20	G. There shall be an annual license fee of one hundred dollars for any
21	license issued to a residential home providing care for six or less children; two
22	<u>hundred dollars for any license issued to a residential facility providing care for</u>
23	at least seven but no more than fifteen children; and three hundred dollars for
24	any license issued to a residential facility providing care for sixteen or more
25	<u>children.</u>
26	H. There shall be an annual license fee of fifty dollars for any license
27	issued to a child-placing agency or maternity home.
28	I. The fees provided for in this Section shall not apply to any Type I
29	child day care center owned or operated by a church or religious organization.
30	J. Annual fees for any type or category of license shall not be increased

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2 Constitution of Louisiana. 3 \$1407. Rules, regulations and standards for licenses 4 A. The department shall promulgate regulations for each category stress of license to carry out the provisions of this Chapter in accordance with provisions of the Administrative Procedure Act. The department shall stress of the Administrative Procedure Act. The department shall stress of the Administrative Procedure Act. The department shall stress of the Administrative Procedure Act. The department shall stress of the Administrative Procedure Act. The department shall stress of the Administrative Procedure Act. 10 Administrative Procedure Act. 11 B.(1) The regulations developed by the department, at a minimum, stress of the following: 12 accomplish all of the following: 13 (a) Promote the health, safety, and welfare of children attending stress of the Administrative proceedure supervision of those attending facilities by capal of the compression of those attending facilities by capal of the compression of the second service in facilities where foo offered. 16 (c) Ensure adequate supervision of those attending facilities where foo offered. 20 (c) Prohibit discrimination by early childhood learning centers stress of the Subparagraph shall be construed to affect, limit, or otherwise rest any of the following: 21 specialized providers on the basis of race, color, creed, sex, national off handicap, ancestry, or whether the child is being breastfed. However, noth in this Subparagraph shall be construed to affect, limit, or otherwise rest any of the foll	orized by statute as provided in Article VII, §2.1 of the	1
4 A. The department shall promulgate regulations for each category a 5 type of license to carry out the provisions of this Chapter in accordance with 6 provisions of the Administrative Procedure Act. The department shall s 7 input and guidance from the Louisiana Advisory Council on Child Care a 8 Early Education concerning the proposed rules and regulations for approva 9 Type I, Type II, and Type III facilities for licensure in accordance with 10 Administrative Procedure Act. 11 B.(1) The regulations developed by the department, at a minimum, sl 12 accomplish all of the following: 13 (a) Promote the health, safety, and welfare of children attending a 14 facility. 15 (b) Promote safe, comfortable, and proper physical facilities. 16 (c) Ensure adequate supervision of those attending facilities by capal 17 gualified, and healthy personnel. 18 (d) Ensure adequate and healthy food service in facilities where foor 19 offered. 20 (e) Prohibit discrimination by carly childhood learning centers a 21 specialized providers on the basis of race, color, creed, sex, national origing 22 handicap, ancestry, or whethe	ana.	2
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 24 <u>any of the following:</u> 25 <u>(i) The hiring or admission policies of a licensed child day care cert</u> 	whether the child is being breastfed. However, nothing	22
25 <u>(i) The hiring or admission policies of a licensed child day care cen</u>	shall be construed to affect, limit, or otherwise restrict	23
		24
	or admission policies of a licensed child day care center	25
26 <u>owned by a church or religious organization, which may give preference</u>	r religious organization, which may give preference in	26
27 <u>hiring or admission to members of the church or denomination.</u>	members of the church or denomination.	27
28 (ii) The rights of religious sectarian child-placing agencies to consi	of religious sectarian child-placing agencies to consider	28
29 <u>creed in any decision or action relating to foster care or adoption.</u>	or action relating to foster care or adoption.	29
30 (f) Require providers to have a written description of admission police	viders to have a written description of admission policies	30

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1	and criteria which expresses the needs, problems, situations, or patterns best
2	addressed by its program. These policies shall be available to the person legally
3	responsible for any child referred for placement.
4	(g) Include procedures by which parents and guardians are given an
5	opportunity for consultation and information about the educational and
6	therapeutic programs for the child in attendance.
7	(h) Include regulations and standards for nighttime care.
8	(i) Include procedures for the receipt, recordation, and disposition of
9	<u>complaints.</u>
10	(j) Include procedures for the return of a child to his parent.
11	Arrangements for the child's return to his parent shall not include third parties
12	or other child care agencies unless written agreement between the child care
13	agency and the parent is on file with the child care agency.
14	(k) Include procedures that allow an early childhood learning center to
15	remedy certain deficiencies immediately upon identification by the department
16	in an onsite inspection, provided that any deficiency that may be remedied in
17	such manner does not constitute a critical violation of licensing standards as
18	determined by the department.
19	(2)(a) Any entity approved by the department shall be required to have
20	all of the following:
21	(i) Approval from the office of the state fire marshal, code enforcement
22	and building safety, Department of Public Safety and Corrections.
23	(ii) Approval from the Department of Health and Hospitals, office of
24	public health.
25	(b) Type III early childhood learning centers shall adhere to the
26	performance and academic standards of the Early Childhood Care and
27	Education Network regarding kindergarten readiness as determined by the
28	State Board of Elementary and Secondary Education. The Department of
29	Education shall base its approval upon the uniform accountability system.
30	(3) No facility holding a Type I license shall receive any state or federal

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1	funds, from any source, whether directly or indirectly. If a facility holding a
2	Type I license receives any state or federal funds, its license shall be
3	automatically revoked.
4	(4) No facility holding a Type II license shall receive any state or federal
5	<u>funds, from any source, whether directly or indirectly, other than those received</u>
6	solely for food and nutrition. If a facility holding a Type II license receives any
7	state or federal funds, whether directly or indirectly, other than those received
8	solely for food and nutrition, its license shall be automatically revoked.
9	C. The department shall prepare standard forms for applications and
10	for inspection reports.
11	D. A comprehensive review of all standards, rules, and regulations for
12	all licenses shall be made at least every three years by the department.
13	E. The secretary of the department, in specific instances, may waive
14	compliance with a minimum standard upon determination that the economic
15	impact is sufficiently great to make compliance impractical, as long as the
16	health and well-being of the staff or children is not imperiled. If it is
17	determined that the facility or agency is meeting or exceeding the intent of a
18	standard or regulation, the standard or regulation may be deemed to be met.
19	F. Discrimination by child care facilities and child-placing agencies on
20	the basis of race, color, creed, sex, national origin, disability as defined by R.S.
21	51:2232(11), ancestry, or whether the child is being breastfed is prohibited.
22	However, this shall not restrict the hiring or admission policies of a church or
23	religious organization, which may give preference in hiring or admission to
24	members of the church or denomination.
25	G. The department shall not regulate or attempt to regulate or control
26	the religious or spiritual content of the curriculum of a school or facility
27	sponsored by a church or religious organization.
28	H. Nothing in the rules, regulations, and standards adopted pursuant to
29	this Section shall authorize or require medical examination, immunization, or
30	treatment of any child whose parents object to such examination, immunization,

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1	or treatment on religious grounds.
2	I. Each facility shall have a written discipline policy, which shall be
3	made available to parents and to authorized inspection personnel upon request.
4	* * *
5	§1415. Facilities and agencies subject to regulation; exemptions
6	A. All child care facilities early childhood learning centers and child-
7	placing agencies specialized providers shall be subject to the provisions of this
8	Chapter. However, private or public day schools serving children in grades one and
9	above or operating, including any kindergartens or prekindergarten programs
10	attached thereto, as well as Montessori schools, camps, and all care given without
11	charge, shall be exempt from such provisions.
12	B. Nothing in this Chapter shall apply to facilities licensed by the
13	Department of Health and Hospitals.
14	* * *
15	§1419. Revocation or refusal to renew license; written notice
16	The department shall have the power to deny, revoke, or refuse to renew a
17	license for a child care facility or child-placing agency specialized provider if an
18	applicant has failed to comply with the provisions of this Chapter or any applicable,
19	published rule or regulation of the department relating to child care facilities and
20	child-placing agencies specialized providers. If a license is denied, revoked, or
21	withdrawn, the action shall be effective when made and the department shall notify
22	the applicant, or licensee, or specialized provider of such action in writing
23	immediately and of the reason for the denial, revocation, or withdrawal of the
24	license.
25	§1420. Refusal or revocation of license; appeal procedure
26	\underline{A} . Upon the refusal of the department to grant a license or upon the
27	revocation of a license, the agency, institution, society, corporation, person or
28	persons, or other group having been refused a license or having had a license
29	revoked shall have the right to appeal such action by submitting a written request to
30	the secretary of the department within thirty days after receipt of the notification of

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1	the refusal of the license or, in the case of revocation, within fifteen calendar days
2	after receipt of the notification of the revocation. The appeal hearings shall be held
3	no later than thirty days after the request therefor, except as provided in the
4	Administrative Procedure Act, and shall be conducted in accordance with applicable
5	regulations of the department and the provisions of R.S. 46:107. This provision shall
6	in no way preclude the right of the party to seek relief through mandamus suit
7	against the department, as provided by law.
8	B. Notwithstanding any law, rule, regulation, or provision to the
9	contrary, including but not limited to R.S. 49:964(A)(2), the department shall
10	<u>be entitled to seek judicial review from any final decision or order rendered by</u>
11	the division of administrative law in any appeal hearing arising under this
12	Chapter. The venue of judicial review shall be the district court of the parish
13	in which the licensee is located.
14	§1421. Operating without or in violation of license; penalty
15	Whoever operates any child care facility or child-placing agency specialized
16	provider, as defined in R.S. 46:1403, without a valid license issued by the
17	department shall be fined not less than one thousand dollars for each day of such
18	offense.
19	§1422. Operating without or in violation of license; injunctive relief
20	If any child care facility or child-placing agency specialized provider
21	operates without a valid license issued by the department, the department may file
22	suit in the district court in the parish in which the facility is located for injunctive
23	relief, including a temporary restraining order, to restrain the institution, society,
24	agency, corporation, person or persons, or any other group operating the facility or
25	agency from continuing the violation. The state health officer shall have exclusive
26	authority over all matters involving the prevention or spread of communicable
27	diseases within a child care facility or child-placing agency specialized provider.
28	* * *
29	§1425. Adoption services; requirements for advertising; injunctive relief;
30	exceptions; penalties

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1	A. It shall be unlawful for any person other than a licensed child-placing
2	agency possessing a Class A or Class B license or a Louisiana-based crisis
3	pregnancy center to advertise through print or electronic media that it will adopt
4	children or assist in the adoption of children.
5	B. If any person advertises in violation of this Section, the attorney general,
6	the Department of Children and Family Services, the appropriate district attorney,
7	or any licensed Class A or Class B child-placing agency or a Louisiana-based crisis
8	pregnancy center may file suit in district court according to the general rules of
9	venue to obtain injunctive relief to restrain the person from continuing the violation.
10	* * *
11	§1426. Disclosure of information
12	A. The department shall make available, upon request of a parent or guardian
13	of any child who has applied for placement in a <u>child</u> day care center licensed by the
14	department, the following information relative to such <u>child</u> day care center:
15	(1) Each valid finding of child abuse, neglect, or exploitation occurring at
16	the center, subject to the limitations provided by R.S. $46:56(F)(4)(c)$.
17	(2) Whether or not the <u>child</u> day care center employs any person who has
18	been convicted of or pled guilty or nolo contendere to any of the crimes provided in
19	R.S. 15:587.1.
20	(3) Any violations of standards, rules, or regulations applicable to such <u>child</u>
21	day care center.
22	(4) Any waivers of minimum standards authorized for such <u>child</u> day care
23	center.
24	B. Requests may be made by telephone or in writing. Such requests shall
25	include the name of each <u>child</u> day care center for which information is requested.
26	C.(1) Licensed child day care centers and other state agencies shall
27	cooperate with the secretary of the department to make such requested information
28	available.
29	(2) Day Child day care centers shall make available to parents or legal
30	guardians information on how to view or obtain copies of child care licensing

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1	surveys from the department. Day Child day care centers shall post information
2	which explains that the licensing surveys are available online and list the web
3	Internet website address where such information may be obtained and information
4	which explains that licensing surveys may be obtained by sending a request in
5	writing to the department. The department shall develop a form suitable for display
6	which shall be posted at each licensed <u>child</u> day care center in compliance with this
7	Subsection.
8	D. The department shall adopt procedures and guidelines for the
9	implementation of this Section by rule in accordance with the Administrative
10	Procedure Act. Such procedures and guidelines may include a procedure for
11	verification that an application for placement in a licensed <u>child</u> day care center has
12	actually been made.
13	* * *
14	§1428. Immunization information; influenza
15	A. Each licensed child care facility, whether licensed as a Class A or Class
16	B facility, before November first of each year, shall make available to each child's
17	parent or legal guardian information relative to the risks associated with influenza
18	and the availability, effectiveness, known contraindications and possible side effects
19	of the influenza immunization. Such information shall include the causes and
20	symptoms of influenza, the means by which influenza is spread, and the places
21	where a parent or legal guardian may obtain additional information and where a child
22	may be immunized against influenza. Such information shall be updated annually
23	if new information on such disease is available.
24	* * *
25	§1429. Exceptions; religious organizations; children's religious ministries
26	A recognized religious organization which is qualified as a tax-exempt
27	organization under Section 501(c) of the Internal Revenue Code, which remains open
28	for not more than twenty-four hours in a continuous seven-day week, and in which
29	no individual child remains for more than twenty-four hours in one continuous stay
30	shall not be considered a "child day care center" for the purposes of this Chapter.

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1	Section 2. R.S. 46:1408, 1409, 1412, 1413, and 1424 are hereby repealed in their
2	entirety.
3	Section 3. The Louisiana State Law Institute is hereby directed to make technical
4	changes to statutory laws as necessary to reflect changes to defined terms in R.S. 46:1403,
5	including but not limited to "day care center", as provided in this Act.
6	Section 4. Sections 1, 2, and 3 of this Act shall become effective on January 1, 2014.
7	
8	
9	PRESIDENT OF THE SENATE
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14	SPEAKER OF THE HOUSE OF REPRESENTATIVES
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18	
19	GOVERNOR OF THE STATE OF LOUISIANA
20	
21	
22	APPROVED: