

SENATE BILL NO. 41

BY SENATORS BARROW, BOUDREAUX, BOUIE, CARTER, CATHEY, CONNICK, HODGES, JACKSON-ANDREWS, JENKINS, LAMBERT, LUNEAU, MCMATH, MIZELL, PRICE, SELDERS, STINE AND WOMACK AND REPRESENTATIVES ADAMS, BAYHAM, BERAULT, BILLINGS, BOYD, BRYANT, CARVER, CHASSION, CHENEVERT, DICKERSON, DOMANGUE, ECHOLS, FISHER, HILFERTY, HUGHES, ILLG, JACKSON, KNOX, LARVADAIN, LYONS, MARCELLE, MCMAHEN, MENA, NEWELL, PHELPS, SPELL, TAYLOR AND WALTERS

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

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AN ACT

To amend and reenact R.S. 14:91.3(A), the introductory paragraph of R.S. 15:587.1(C), 587.1(C)(1), and 1110.3(H), the introductory paragraph of R.S. 17:8.7(B) and 8.7(B)(1), 15(A)(1)(a), (b)(i)(bb) and (cc), and (b)(ii) and (2)(a)(ii) through (v), (D), and (E), 16(A), 24.8(A) and (B)(2), 407.33(5), 407.35(A), 407.42(A)(2) and (B)(1)(b), 407.46(A)(1), 407.71(A), 443(B)(1), 493(C)(1), and 3996(B)(28), R.S. 24:525(D), R.S. 40:2008.10(A)(3) and 2019(F)(3)(b), R.S. 46:51.2(A)(1)(b), 56(F)(1), (4)(c), (10)(b)(i), and (11), and 1414.1(A), Children's Code Art. 116(2.1) and (2.2), 603(4)(a) and (17)(d), 603.1(B), 610(A), (E)(1) and (2), and (H), 612(A)(3), 615(B)(2), (3), and (5), the introductory paragraph of 615(E) and 615(E)(1) and (4)(a) and (F), 616(B), the introductory paragraph of 616(D), 616(E) and (H), and 616.1.1(A) and to enact R.S. 17:15(A)(1)(b)(i)(dd) and (2)(a)(vi), 407.41, and 3996(B)(82), Children's Code Art. 603(17)(l) through (o) and 610(I) and Civil Code Art. 2315.12, relative to child welfare; to provide for review of the state central registry for school employees; to provide for reporting recordation on the state central registry; to provide for the licensure of early learning centers; to provide for child welfare and safety minimum standards for prekindergarten programs; to

1 provide for child abuse and neglect determinations; to provide for definitions in the
 2 Children's Code; to provide for mandatory reporting training; to provide for
 3 procedures for reporting child abuse and neglect; to provide for the responsibility of
 4 the Department of Children and Family Services to respond to reports; to provide for
 5 investigations of child sexual abuse in a school setting; to provide for liability for
 6 damages caused by sexual abuse in a school setting; and to provide for related
 7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:91.3(A) is hereby amended and reenacted to read as follows:

10 §91.3. Unlawful participation in a child-related business

11 A. No person who has been convicted of, or who has pled guilty or nolo
 12 contendere to, an offense listed in R.S. 15:587.1(C) **or whose name is recorded on**
 13 **the Department of Children and Family Services' state central registry on or**
 14 **after August 1, 2018,** shall own, operate, or in any way participate in the governance
 15 of any early learning center as defined by R.S. 17:407.33, residential home as
 16 defined by R.S. 46:1403, or residence in which child care services are provided by
 17 a family child care provider or in-home provider who is registered pursuant to R.S.
 18 17:407.61 et seq.

19 * * *

20 Section 2. The introductory paragraph of R.S. 15:587.1(C), 587.1(C)(1), and
 21 1110.3(H) are hereby amended and reenacted to read as follows:

22 §587.1. Provision of information to protect children

23 * * *

24 C. The provisions of R.S. 15:825.3, R.S. 17:8.9, 15, 407.42, and 407.71, R.S.
 25 46:51.2 ~~and 1441.13~~, and Children's Code Article 424.1 shall govern the
 26 employment of persons who have been convicted of, or pled guilty or nolo
 27 contendere to, any of the following crimes:

28 (1) R.S. 14:30, R.S. 14:30.1, R.S. 14:31, R.S. 14:32.6 through R.S. 14:32.8,
 29 R.S. 14:41 through R.S. 14:45, **R.S. 14:46.2 through** R.S. 14:46.4, R.S. 14:74, ~~R.S.~~
 30 ~~14:78, R.S. 14:78.1~~, R.S. 14:79.1, R.S. 14:80 through R.S. 14:86, R.S. 14:89, R.S.

1 14:89.1, R.S. 14:89.2, R.S. 14:92, R.S. 14:93, R.S. 14:93.2.1, R.S. 14:93.3, R.S.
 2 14:93.5, crimes of violence as defined in R.S. 14:2(B), sex offenses as defined in
 3 R.S. 15:541, R.S. 14:106, R.S. 14:282, R.S. 14:283, R.S. 14:283.1, R.S. 14:284, R.S.
 4 14:286, R.S. 40:966(A), R.S. 40:967(A), R.S. 40:968(A), R.S. 40:969(A), and R.S.
 5 40:970(A) or convictions for attempt or conspiracy to commit any of those offenses;

6 * * *

7 §1110.3. Licensing; transfer to office of juvenile justice

8 * * *

9 H.(1) Any owner, operator, current or prospective employee, or volunteer of
 10 a juvenile detention facility that is requesting licensure or is licensed by the office
 11 of juvenile justice is prohibited from being employed by the facility if that
 12 individual's name is recorded on the state central registry as a perpetrator for a
 13 ~~justified~~ **substantiated** finding of abuse or neglect of a child.

14 (2) If the individual's name is or was entered on the state central registry, the
 15 individual who is the subject of the finding may file a written motion seeking
 16 correction to the division of administrative law for an administrative appeal of the
 17 ~~justified~~ **substantiated** determination, in accordance with Children's Code Article
 18 616.1.1 and the procedures promulgated by the office.

19 * * *

20 Section 3. The introductory paragraph of R.S. 17:8.7(B) and 8.7(B)(1), 15(A)(1)(a),
 21 (b)(i)(bb) and (cc), and (b)(ii) and (2)(a)(ii) through (v), (D), and (E), 16(A), 24.8(A) and
 22 (B)(2), 407.33(5), 407.35(A), 407.42(A)(2) and (B)(1)(b), 407.46(A)(1), 407.71(A),
 23 443(B)(1), 493(C)(1), and 3996(B)(28) are hereby amended and reenacted and R.S.
 24 17:15(A)(1)(b)(i)(dd) and (2)(a)(vi), 407.41, and 3996(B)(82) are hereby enacted to read as
 25 follows:

26 §8.7. Prohibition against granting an educator credential or teaching authorization
 27 to certain persons; appeals

28 * * *

29 B. The board may, after a successful appeal, issue an educator credential or
 30 other teaching authorization to a person who has been convicted of or has pled nolo

1 as determined by the State Board of Elementary and Secondary Education.

2 (ii) A city, parish, or other local public school board or a nonpublic school
3 or school system may hire a person as an administrator, teacher, or substitute teacher
4 who is otherwise prohibited from being hired pursuant to ~~Item (i)~~ **Subitem (i)(cc)**
5 **and (dd)** of this Subparagraph if the State Board of Elementary and Secondary
6 Education approves a formal appeal request submitted by the person and issues a
7 teaching certificate or authorization as provided in R.S. 17:8.7(B).

8 * * *

9 (2)(a) A city, parish, or other local public school board shall dismiss:

10 * * *

11 **(ii) An administrator, teacher, or substitute teacher whose name is**
12 **recorded on the Department of Children and Family Services' state central**
13 **registry on or after August 1, 2025.**

14 ~~(ii)~~**(iii)** An administrator, teacher, or substitute teacher who is found to have
15 submitted fraudulent documentation to the State Board of Elementary and Secondary
16 Education or the state Department of Education as part of an application for a
17 Louisiana teaching certificate or other teaching authorization.

18 ~~(iii)~~**(iv)** An administrator, teacher, or substitute teacher who is found to have
19 facilitated cheating on any state assessment as determined by the State Board of
20 Elementary and Secondary Education.

21 ~~(iv)~~**(v)** Any other school employee if ~~such~~ **the** employee is convicted of or
22 pleads nolo contendere to a crime listed in R.S. 15:587.1(C), except R.S. 14:74.

23 **(vi) Any other school employee if the employee's name is recorded on the**
24 **Department of Children and Family Services' state central registry on or after**
25 **August 1, 2025.**

26 * * *

27 D.(1)**(a)** An administrator, teacher, or other school employee upon his final
28 conviction of or plea of guilty or nolo contendere to any criminal offense, excluding
29 traffic offenses, shall report the fact of his conviction or plea to his employer and to
30 the department within two business days, exclusive of weekends and holidays, of the

1 conviction or plea of guilty or nolo contendere. Upon receiving a report of a final
 2 conviction of or plea of guilty or nolo contendere to any criminal offense, excluding
 3 traffic offenses, by an employee holding a teaching certificate or teaching
 4 authorization issued by the state board, a school or school system shall report the fact
 5 of the conviction or plea to the Department of Education within two business days,
 6 exclusive of weekends and holidays, of receiving the report of the conviction or plea
 7 of guilty or nolo contendere.

8 **(b) An administrator, teacher, or other school employee whose name is**
 9 **recorded on the Department of Children and Family Services' state central**
 10 **registry on or after August 1, 2025, shall report the recordation to his employer**
 11 **and to the department within two business days, exclusive of weekends and**
 12 **holidays.**

13 (2) An administrator, teacher, or substitute teacher who fails to report a
 14 conviction or plea of guilty or nolo contendere of any felony offense **or fails to**
 15 **report recordation on the Department of Children and Family Services' state**
 16 **central registry** shall be fined not more than one thousand dollars or imprisoned for
 17 not more than one year, with or without hard labor, or both.

18 (3) A school employee other than an administrator, teacher, or substitute
 19 teacher who fails to report a conviction or plea of guilty or nolo contendere of any
 20 criminal offense listed in R.S. 15:587.1(C)(1) **or fails to report recordation on the**
 21 **Department of Children and Family Services' state central registry** shall be fined
 22 not more than five hundred dollars or imprisoned for not more than six months, with
 23 or without hard labor, or both.

24 E.(1) The State Board of Elementary and Secondary Education may assess
 25 a civil fine against a school governing authority, equal to the average state yearly
 26 compensation for a public school teacher, inclusive of salary and benefits, who
 27 knowingly employs a person without requesting the criminal records **or verifying**
 28 **whether the person's name is recorded on the Department of Children and**
 29 **Family Services' state central registry as** required by this Section or who
 30 knowingly hires a person who has been convicted of or pled nolo contendere to any

1 crime listed in R.S. 15:587.1(C) or whose name is recorded on the state central
 2 registry, and who the State Board of Elementary and Secondary Education has not
 3 provided a teaching authorization pursuant to the provisions of R.S. 17:7(10) or who
 4 has not completed the formal appeal process required by the state board and been
 5 granted a new teaching certificate or other teaching authorization as provided in R.S.
 6 17:8.7(B).

7 (2) ~~Such~~ **The** fine shall be levied only after a final judgment is rendered
 8 pursuant to an adjudication process conducted in accordance with the provisions of
 9 R.S. 49:975 et seq.

10 (3) The state board shall report any ~~such~~ instances of fine assessments to the
 11 House Committee on Education and the Senate Committee on Education within
 12 thirty days of such assessment. Civil fines collected pursuant to the provisions of this
 13 Section shall be deposited immediately into the state treasury. The State Board of
 14 Elementary and Secondary Education shall promulgate rules in accordance with the
 15 Administrative Procedure Act for implementation of this Subsection.

16 * * *

17 §16. Reporting of certain arrests; school employees; requirements; failure to report

18 A. Effective January 1, 2012, and thereafter, a school employee shall report
 19 his arrest for a violation of R.S. 14:42 through 43.5, 80 through 81.5, any other
 20 sexual offense affecting minors, any of the crimes provided in R.S. 15:587.1, or any
 21 ~~justified~~ **substantiated** complaint of child abuse or neglect on file in the central
 22 registry pursuant to Article 615 of the Children's Code.

23 * * *

24 §24.8. Prekindergarten programs

25 A.**(1)** Each city, parish, or other local public school board may develop and
 26 offer prekindergarten instruction. The youngest age at which a child may enter
 27 prekindergarten provided for by this Subsection shall be four years old by September
 28 thirtieth of the year in which the child enrolls in prekindergarten.

29 **(2) All public prekindergarten programs shall comply with the child**
 30 **safety and welfare minimum standards provided for in R.S. 17:407.41.**

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~~(2) The State Board of Elementary and Secondary Education, in consultation with the Nonpublic School Commission, shall adopt rules and regulations to protect the health and safety of three-year-old children who attend prekindergarten at an approved nonpublic elementary school.~~ **All nonpublic prekindergarten programs shall be licensed as an early learning center pursuant to Part X-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950.**

* * *

§407.33. Definitions

As used in this Part, the following terms have the following meanings unless the context clearly indicates otherwise:

* * *

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

* * *

§407.35. Exemptions from licensure requirements

~~A. Public and nonpublic day schools serving children in grades kindergarten and above, including any prekindergarten programs attached thereto, as well as camps, and care given without charge, shall be exempt from the provisions of this Part~~ **The provisions of this Part shall not apply to grades kindergarten and above, prekindergarten programs attached to a public day school, Louisiana Montessori accredited or provisionally accredited approved schools, camps, registered family child day care homes, and care given without charge. However, all prekindergarten programs shall comply with the child safety and welfare minimum standards provided for in R.S. 17:407.41.**

* * *

§407.41. Child safety and welfare minimum standards

A. In addition to regulations promulgated by the State Board of

1 Elementary and Secondary Education pursuant to R.S. 17:407.40, all early
2 learning centers and prekindergarten programs shall meet the following
3 minimum standards to ensure the safety and welfare of children:

4 (1) There shall be a minimum of two staff members present at any
5 facility when more than four children are present, except under an extenuating
6 circumstance that temporarily prevents compliance with this Paragraph.

7 (2) The child-to-staff ratios shall not exceed the following:

8 (a) Infants and under one year - 5 to 1

9 (b) One year - 7 to 1

10 (c) Two years - 10 to 1

11 (d) Three years - 13 to 1

12 (e) Four years - 15 to 1

13 (f) Five years - 19 to 1

14 (3) An average of the child-to-staff ratios may be applied to mixed age
15 groups of children only for groups that include no children under the age of
16 two.

17 (4) When a mixed age group includes children younger than age two, the
18 age of the youngest child determines the child-to-staff ratio for the group.

19 (5) When the nature of a child with special healthcare needs or the
20 number of children with special healthcare needs warrants added care, the
21 center shall add sufficient staff as necessary.

22 (6) Only staff members directly providing care, supervision, or guidance
23 to children shall be counted in the child-to-staff ratio. The same staff members
24 shall not be used to meet the ratio requirements for two different groups of
25 children at the same time.

26 (7) Sufficient staffing needed to satisfy child-to-staff ratios shall be
27 present on the premises during rest time and available to assist as needed.
28 Children ages one and older may be grouped together at rest time with one staff
29 member in each room supervising the resting children.

30 (8) Information regarding required child-to-staff ratios and a phone

1 number to file complaints regarding supervision with the Department of
2 Education shall be posted in each classroom in a location that is visible to
3 parents.

4 (9) Children shall be supervised at all times including on the playground,
5 on field trips, and on nonvehicular excursions.

6 (10)(a) Children shall not be left alone in any room, outdoors, or in
7 vehicles, even momentarily, without staff present.

8 (b) The provisions of this Paragraph shall not apply to restroom use as
9 provided in this Section, if a child is being provided services by therapeutic
10 professionals, or if a child is in the custody of a parent or legal guardian.

11 (11) A staff person shall be assigned to supervise specific children whose
12 names and whereabouts that the staff person shall know and with whom the
13 staff person shall be physically present. Staff shall be able to state how many
14 children are in their care at all times.

15 (12)(a) A child who is developmentally able may be permitted to use the
16 restroom independently if a staff member is in proximity to and can see the
17 child to ensure immediate intervention to safeguard a child from harm or to
18 assist with an accident while in the restroom.

19 (b) An individual who is not a staff member may not enter the restroom
20 area while in use by any child other than his own child.

21 (13) A child age five and older may be permitted to go to and return
22 from the restroom without staff.

23 (14) If a prekindergarten program or early learning center is part of a
24 school with children in kindergarten or older, staff shall ensure that the
25 children enrolled in the prekindergarten program or early learning center are
26 not unsupervised in the restroom at the same time as any older children who are
27 using the restroom. For any facility constructed after January 1, 2026, there
28 shall be designated separate restrooms for the children enrolled in the
29 prekindergarten program or early learning center.

30 (15) Children shall be changed and cleaned immediately following a

1 toileting accident.

2 B.(1) The state Department of Education shall develop an informational
3 document that contains all of the following:

4 (a) The child safety and welfare minimum standards provided for in this
5 Section.

6 (b) A phone number to file complaints with the state Department of
7 Education regarding violations of the standards.

8 (c) A statement notifying parents and legal guardians that the document
9 is being distributed pursuant to "Charlie's Law".

10 (2) The state Department of Education shall provide the document to
11 each early learning center and prekindergarten program no later than August
12 first of each year.

13 (3) Each early learning center and public school with a prekindergarten
14 program shall distribute the document to the parents and legal guardians of all
15 children enrolled in an early learning center or prekindergarten program.

16 (4) The document shall be distributed at the beginning of each school
17 year and may be distributed electronically.

18 C. The state Department of Education shall provide written notification
19 to the superintendent of a school district for any complaint received by the
20 department regarding a prekindergarten program in the district pursuant to
21 this Section.

22 §407.42. Review of criminal history information and state central registry of child
23 abuse and neglect

24 A.

25 * * *

26 (2) No individual whose name is recorded on the state central registry within
27 the Department of Children and Family Services as a perpetrator for a ~~justified~~
28 **substantiated** finding of abuse or neglect of a child or in any other state's child
29 abuse and neglect registry or repository shall own or operate a licensed early learning
30 center or shall be hired by a licensed early learning center as an employee or

1 volunteer of any kind, including any therapeutic professionals, extracurricular
2 personnel, and other independent contractors, or shall be hired by the department in
3 a position whose duties include the performance of licensing inspections.

4 B.(1) The State Board of Elementary and Secondary Education shall establish
5 by regulation, requirements and procedures under which the department shall, for
6 any owner, volunteer, applicant, or employee of any kind, including contractors, of
7 an early learning center or an applicant or employee of the department in a position
8 whose duties include the performance of licensing inspections:

9 * * *

10 (b) Request information from the Department of Children and Family
11 Services as to whether the person is listed on the state central registry as a perpetrator
12 for a ~~justified~~ **substantiated** finding of abuse or neglect of a child.

13 * * *

14 §407.46. Operating in violation of regulations; penalties and fines

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

28 * * *

29 §407.71. Grounds for revocation or refusal to renew registration; criminal activities;
30 lack of CPR or first aid training

1 A.(1) No person who has been convicted of or pled nolo contendere to a
2 crime listed in R.S. 15:587.1(C), whose name is recorded on the state registry within
3 the Department of Children and Family Services as a perpetrator for a ~~justified~~
4 **substantiated** finding of abuse or neglect of a child, whose name is on any other
5 state's child abuse and neglect registry or repository, whose name is on the Louisiana
6 Sex Offender and Child Predator Registry, whose name is on any other state's sex
7 offender registry, or whose name is on the National Crime Information Center's
8 National Sex Offender Registry may be a registered family child care provider, be
9 employed in the residence or on the property of the residence where the care is
10 provided by the registered family child care provider, or live in the residence where
11 care is provided by the registered family child care provider. The cost of any
12 criminal background check which may be required by the department as proof of
13 compliance with this Subsection shall be the responsibility of the family child care
14 provider.

15 (2) No person who has been convicted of or pled nolo contendere to a crime
16 listed in R.S. 15:587.1(C), whose name is recorded on the state registry within the
17 Department of Children and Family Services as a perpetrator for a ~~justified~~
18 **substantiated** finding of abuse or neglect of a child, whose name is on any other
19 state's child abuse and neglect registry or repository, whose name is on the Louisiana
20 Sex Offender and Child Predator Registry, whose name is on any other state's sex
21 offender registry, or whose name is on the National Crime Information Center's
22 National Sex Offender Registry may be a registered in-home child care provider, be
23 an adult employed in the home or on the property of the home where care is provided
24 by the registered in-home child care provider, or be any adult living in the home
25 where care is provided by the registered in-home child care provider who is not a
26 caregiver. For the purposes of this Paragraph, the term "caregiver" shall mean any
27 person legally obligated to provide or secure care for a child, including a parent,
28 legal custodian, foster home parent, or other person providing a residence for the
29 child. The cost of any criminal background check which may be required by the
30 department as proof of compliance with this Subsection shall be the responsibility

1 of the in-home provider.

2 * * *

3 §443. Discipline of teachers; procedure; right of review

4 * * *

5 B.(1) A teacher with tenure shall not be disciplined except upon written and
6 signed charges by the superintendent or his designee of poor performance, willful
7 neglect of duty, incompetency, dishonesty, immorality, or of being a member of or
8 contributing to any group, organization, movement, or corporation that is by law or
9 injunction prohibited from operating in the state of Louisiana, and then only if
10 furnished with a copy of such written charges and given the opportunity to respond.
11 The teacher shall have ten calendar days from written notice of the charges to
12 respond, in person or in writing. Following review of the teacher's response, the
13 superintendent may take interim disciplinary action, which may include placing the
14 teacher on administrative leave. The teacher shall not be placed on administrative
15 leave without pay unless the teacher has been arrested for a violation of any of the
16 following: R.S. 14:42 through 43.5, 80 through 81.5, any other sexual offense
17 affecting minors, any of the crimes provided in R.S. 15:587.1, or any ~~justified~~
18 **substantiated** complaint of child abuse or neglect on file in the central registry
19 pursuant to Children's Code Article 615. Within ten calendar days after written
20 notice of the interim disciplinary action or within ten calendar days after receipt of
21 the teacher's response if no interim disciplinary action is taken, a teacher may request
22 a hearing before a disciplinary hearing officer. If the teacher fails to timely request
23 a hearing, the disciplinary action becomes final.

24 * * *

25 §493. Removal of bus operators; procedures; right to appeal

26 * * *

27 C.(1) The superintendent shall have ten calendar days to review the school
28 bus operator's response and to provide written notice to the bus operator of the
29 interim disciplinary action, if any. A superintendent may take interim disciplinary
30 action, which may include placing the bus operator on administrative leave. A

1 permanent bus operator shall not be placed on administrative leave without pay
2 unless the bus operator has been arrested for a violation of the following: R.S. 14:42
3 through 43.5, 80 through 81.5, any other sexual offense affecting minors, any of the
4 crimes provided in R.S. 15:587.1, or any ~~justified~~ **substantiated** complaint of child
5 abuse or neglect on file in the central registry pursuant to Children's Code Article
6 615.

7 * * *

8 §3996. Charter schools; exemptions; requirements

9 * * *

10 B. Notwithstanding any state law, rule, or regulation to the contrary and
11 except as may be otherwise specifically provided for in an approved charter, a
12 charter school established and operated in accordance with the provisions of this
13 Chapter and its approved charter and the school's officers and employees shall be
14 exempt from all statutory mandates or other statutory requirements that are
15 applicable to public schools and to public school officers and employees except for
16 the following laws otherwise applicable to public schools with the same grades:

17 * * *

18 (28) Reporting by a school employee employed by the governing authority
19 of a public elementary or secondary school of his arrest for one or more of the
20 specified offenses relative to sexual morality affecting minors, R.S. 17:16, any of the
21 crimes provided in R.S. 15:587.1, or any ~~justified~~ ~~complaint~~ **substantiated**
22 **allegation** of child abuse or neglect on file in the central registry pursuant to Article
23 615 of the Children's Code.

24 * * *

25 **(82) Child health and safety minimum standards, R.S. 17:407.41.**

26 * * *

27 Section 4. R.S. 24:525(D) is hereby amended and reenacted to read as follows:

28 §525. State child ombudsman; duties

29 * * *

30 D.**(1)** Any state agency having responsibility for the custody or care of

1 children shall provide monthly notice to the state child ombudsman of the death of
2 a child in its custody or care.

3 (2) The Department of Children and Family Services shall notify the
4 state child ombudsman within three business days of receiving information on
5 the death of any child that had been reported to the department for alleged
6 child abuse or neglect.

7 * * *

8 Section 5. R.S. 40:2008.10(A)(3) and 2019(F)(3)(b) are hereby amended and
9 reenacted to read as follows:

10 §2008.10. Therapeutic group homes licensed by the Louisiana Department of
11 Health; state central registry of child abuse and neglect; criminal
12 background checks

13 A.

14 * * *

15 (3) The therapeutic group home shall request information from the
16 Department of Children and Family Services as to whether the individual's name is
17 recorded on the state central registry as a perpetrator for a ~~justified~~ substantiated
18 finding of abuse or neglect of a child.

19 * * *

20 §2019. Child death investigation

21 * * *

22 F. Records; confidentiality; prohibited disclosure and discovery.

23 * * *

24 (3)

25 * * *

26 (b) No information, document, or record obtained by the state panel or any
27 local or regional panel or its agent from the Department of Children and Family
28 Services involving a report which results in an inconclusive, ~~not justified, or invalid~~
29 or unsubstantiated finding pursuant to Children's Code Article 615 shall be
30 included or referenced in any manner in any report or other document issued or

1 published by or on behalf of the panel.

2 * * *

3 Section 6. R.S. 46:51.2(A)(1)(b), 56(F)(1), (4)(c), (10)(b)(i), and (11), and 1414.1(A)
4 are hereby amended and reenacted to read as follows:

5 §51.2. Criminal history and central registry information

6 A.(1) No person shall be hired by the department whose duties include the
7 investigation of child abuse or neglect, supervisory or disciplinary authority over
8 children, direct care of a child, or performance of licensing surveys, until both the
9 following conditions are met:

10 * * *

11 (b) The department has conducted a search of the state central registry of
12 ~~justified~~ **substantiated** abuse or neglect, hereafter referred to as "central registry",
13 reports and has determined that the individual's name is not recorded therein. The
14 search shall be limited to those names recorded on the state central registry
15 subsequent to January 1, 2010. If the individual's name is or was entered on the state
16 central registry that individual may make a formal written request to the division of
17 administrative law for an administrative appeal of the ~~justified~~ **substantiated**
18 determination, in accordance with Children's Code Article 616.1.1 and the
19 procedures promulgated by the department.

20 * * *

21 §56. Applications and client case records; definitions; confidentiality; waiver;
22 penalty

23 * * *

24 F. The following information shall not be subject to waiver and shall not be
25 released to applicants, recipients, or outside sources, except those outside sources
26 engaged in the administration of the programs of the department or when specifically
27 authorized by law:

28 (1) Records pertaining to foster care of children, investigations of abuse and
29 neglect of children, and other child welfare services. For the purposes of this
30 Paragraph, case records of children in abuse and neglect and foster care cases may

1 be reviewed by attorneys who are appointed by a court of juvenile jurisdiction to
2 represent the sole interest of the children, and pursuant to court order, such case
3 records may be reviewed by court-appointed special advocates appointed pursuant
4 to Children's Code Article ~~424(D)~~ 424.1. Prior to a court hearing, the department
5 may provide to such attorneys and court-appointed special advocates copies of the
6 most recent case plan for the child and his family, the most recent court order and
7 court report, and the child's most recent medical report. Additionally, pursuant to
8 Children's Code Article 616, a judge of a court exercising juvenile jurisdiction may
9 request, in writing to the department, central registry record checks. However, in no
10 instance shall the name or identifying information regarding a complainant in neglect
11 and abuse cases or the case records of the foster parents be subject to such review.
12 The department may, however, provide foster parents all information from the
13 department's records and from other records to which the department has access
14 concerning a child in the foster home, and concerning the child's family, where such
15 information is necessary for the foster parents to properly care for the child. The
16 department may also provide surrogate parents representing the special education
17 interests of children in the department's custody with all information from the
18 department's records and from other records to which the department has access
19 where such information is necessary for the surrogate parents to properly advocate
20 for the children. In any child custody proceeding, after the issue has been raised of
21 the potential existence of a relevant departmental record concerning the abuse or
22 neglect of a child who is the subject of that proceeding, the judge may contact the
23 local child protection unit to determine if such a record exists. If ~~a determination has~~
24 ~~been made that such report appears justified~~ **the department has a substantiated**
25 **report** pursuant to Children's Code Article 615(B)(1) through (3), the local child
26 protection unit shall verbally advise the judge that such report is in the possession
27 of the unit. If the court finds that information which may be contained in the report
28 is necessary for an issue before the court, the court may order the release of such
29 information. If ~~a determination was made that such~~ **the** report was **unsubstantiated**
30 ~~unjustified or inherently improbable~~, such records shall be sealed and accessible only

1 pursuant to Children's Code Article ~~616(A)(2)~~ **615**.

2 * * *

3 (4)

4 * * *

5 (c) Following any investigation by the department of a public or private day
6 care center, registered family child day care home, or residential provider, the
7 department may inform the parent or guardian of any child being cared for at the
8 center, home, or residence or the parent or guardian of any child who has applied for
9 placement in the center, home, or residence of a ~~valid~~ **substantiated** finding of child
10 abuse, neglect, or exploitation occurring at the center, home, or residence upon the
11 request of the parent or legal guardian. The department may also advise such parent
12 or legal guardian of a ~~valid~~ **substantiated** finding when it becomes necessary for the
13 department to take adverse action against a center, home, or facility in the interest
14 of the safety and welfare of the children. The department may release to the
15 Department of Education limited information concerning a ~~valid~~ **substantiated**
16 finding of child abuse, neglect, or exploitation occurring at a family child day care
17 home that is registered by that department. These circumstances shall constitute
18 authorized disclosures under the provisions of R.S. 14:403(A)(2).

19 * * *

20 (10)

21 * * *

22 (b) The information disclosed pursuant to this Paragraph shall be limited to
23 the following:

24 (i) Whether or not the department has a **substantiated** report, ~~which has been~~
25 ~~determined to be justified~~ pursuant to Children's Code Article 615, in its possession
26 concerning the child or person who is the subject of the information request.

27 * * *

28 (11) Upon written request of a caregiver, the department shall disclose
29 limited information contained in child abuse or neglect records or reports to an
30 employer or prospective employer of a person who will be exercising supervisory

1 authority over that employer's minor children or other dependent person as part of
 2 that person's employment as a caregiver. The information disclosed pursuant to this
 3 Paragraph shall be limited to cases in which the department has determined that the
 4 allegations from which such information has been developed are ~~justified~~
 5 **substantiated** pursuant to Children's Code Article 615. The provisions of this
 6 Paragraph shall not be interpreted to authorize the release of or access to any
 7 information protected under federal law.

8 * * *

9 §1414.1. State central registry

10 A. Any owner, operator, current or prospective employee, or volunteer of a
 11 specialized provider requesting licensure or licensed by the Department of Children
 12 and Family Services is prohibited from being employed by the specialized provider
 13 if that individual's name is recorded on the state central registry as a perpetrator for
 14 a ~~justified~~ **substantiated** finding of abuse or neglect of a child.

15 * * *

16 Section 7. Children's Code Art. 116(2.1) and (2.2), 603(4)(a) and (17)(d), 603.1(B),
 17 610(A), (E)(1) and (2), and (H), 612(A)(3), 615(B)(2), (3), and (5), the introductory
 18 paragraph of 615(E) and 615(E)(1) and (4)(a) and (F), 616(B), the introductory paragraph
 19 of 616(D), 616(E) and (H), and 616.1.1(A) are hereby amended and reenacted and Children's
 20 Code Art. 603(17)(l) through (o) and 610(I) are hereby enacted to read as follows:

21 Art. 116. Definitions

22 Except where the context clearly indicates otherwise, these definitions apply
 23 for the following terms used throughout this Code.

24 * * *

25 (2.1) "CASA program" means a court-appointed special advocate program
 26 established in compliance with ~~National~~ **Louisiana** CASA Association standards.

27 (2.2) "CASA volunteer" means a court-appointed special advocate who has
 28 been trained in accordance with ~~National~~ **Louisiana** CASA Association standards
 29 and is under the supervision of a CASA program.

30 * * *

1 Art. 603. Definitions

2 As used in this Title:

3 * * *

4 (4)(a) "Caretaker" means any person legally obligated to provide or secure
5 adequate care for a child, including a parent, tutor, guardian, legal custodian, foster
6 home parent, ~~an employee or an operator of an early learning center as defined in~~
7 ~~R.S. 17:407.33, an operator or employee of a registered family child day care home,~~
8 an operator or employee of a **residential or treatment facility licensed by the**
9 **Department of Children and Family Services or the Louisiana Department of**
10 **Health** restrictive care facility, or other person providing a residence for the child.
11 ~~"Caretaker" also means an adult who occupies a residence of a child and has a~~
12 ~~consistent and continuing responsibility for the care of a child.~~ "Caretaker" shall not
13 include an operator or employee of a correctional facility, detention facility, ~~or~~
14 nonresidential school, **or unlicensed residential or child care provider.**

15 * * *

16 (17) "Mandatory reporter" is any of the following individuals:

17 * * *

18 (d) "Teaching or child care provider" is any person who provides or assists
19 in the teaching, training, and supervision of a child, including any public or private
20 teacher, teacher's aide, instructional aide, school principal, school staff member,
21 ~~school resource officer,~~ bus driver, coach, professor, technical or vocational
22 instructor, technical or vocational school staff member, college or university
23 administrator, college or university staff member, social worker, ~~probation officer,~~
24 ~~foster home parent, group home or other child care institutional staff member,~~
25 ~~personnel of residential home facilities,~~ **an employee or an operator of an early**
26 **learning center as defined in R.S. 17:407.33, an operator or employee of a**
27 **registered family child day care home,** a licensed or unlicensed day care provider,
28 or any individual who provides these services to a child in a voluntary or
29 professional capacity.

30 * * *

1 (l) A foster parent.

2 (m) A group home or other institutional child care staff member or
3 personnel of residential home facilities.

4 (n) A probation officer.

5 (o) Any employee of the office of juvenile justice or the Department of
6 Children and Family Services, whose duties include supervisory or disciplinary
7 authority over children.

8 * * *

9 Art. 603.1. Required education; reporting child abuse

10 * * *

11 B. Teaching or child care providers as defined by Article 603 shall complete
12 an online training course provided by the Department of Children and Family
13 Services between June first and August thirty-first annually. A record of completion
14 of the course by the teaching or child care provider shall be provided to ~~and retained~~
15 ~~by~~ each entity at which the teaching or child care provider is employed. ~~The entity~~
16 ~~at which the teaching or child care provider is employed shall retain a list of all~~
17 ~~teaching or child care providers who have not complied with the training~~
18 ~~requirements provided in this Article.~~ **No later than September thirtieth of each**
19 **year and in a manner prescribed by the state Department of Education each**
20 **entity at which a teaching or child care provider is employed shall submit a list**
21 **to the state Department of Education of all teaching and child care providers**
22 **employed by the entity and identify the employees that have complied with the**
23 **training requirements and those employees that have not complied. The state**
24 **Department of Education shall publish the completion rates for each entity on**
25 **its website.**

26 * * *

27 Art. 610. Reporting procedure; reports to the legislature and the United States
28 Department of Defense Family Advocacy Program

29 A.(+) A reporter shall immediately report suspected child abuse or neglect or
30 that child abuse or neglect was a contributing factor in a child's death in the

1 following ways:

2 ~~(a)(1)~~ To the Department of Children and Family Services if the reporter has
3 reason to believe that the perpetrator is a **any of the following:**

4 **(a) A parent or caretaker as defined in Article 603,**~~a~~

5 **(b) A person who maintains an interpersonal dating or engagement**
6 **relationship with the parent or caretaker,**~~or a~~

7 **(c) A person living in the same residence with as the parent or caretaker,** as
8 **a spouse whether married or not.**

9 **(d) A person living in the same residence as the child, or any residence**
10 **of the child, if the child has more than one residence.**

11 **(e) An employee or an operator of an early learning center as defined in**
12 **R.S. 17:407.33.**

13 **(f) An operator or employee of a registered family child day care home.**

14 **(g) Another child residing in the same residence for cases of suspected**
15 **sexual abuse.**

16 **(h) Indeterminable by the mandatory reporter, but the reporter suspects**
17 **that the abuse occurred at the child's residence.**

18 ~~(b)(2)~~ To a local or state law enforcement agency if the reporter has reason
19 to believe that the **perpetrator is any of the following:** ~~abuse or neglect is being~~
20 ~~perpetrated by someone other than the individuals provided for in Subsubparagraph~~
21 ~~(a) of this Subparagraph. Abuse or neglect perpetrated on a student by a teaching or~~
22 ~~child care provider, as defined by Article 603, shall be immediately reported to local~~
23 ~~or state law enforcement,~~

24 **(a) A person other than a person provided for in Subparagraph (1) of**
25 **this Paragraph.**

26 **(b) A teacher, instructor, administrator, staff person, school bus driver,**
27 **teacher aide, paraprofessional, food service worker, or employee of any public**
28 **or private elementary, secondary, vocational-technical training, special, or**
29 **postsecondary school, city, parish, or other local public school board, if the**
30 **abuse or neglect is perpetrated on a student.**

1 (c) Another child who does not reside in the same residence for cases of
2 suspected sexual abuse.

3 ~~(e)~~**(3)** Dual reporting to both the department and the local or state law
4 enforcement agency is permitted. However, the agency who receives a report
5 pursuant to Subparagraph (1) or (2) of this Paragraph shall be the agency
6 responsible for accepting and acting on the report and shall ensure referral to
7 other agencies as necessary.

8 ~~(2)~~**(4)** Reports to the department shall be made as follows:

9 (a) A mandatory reporter shall make a report of suspected abuse or neglect
10 requiring immediate assistance via the designated state child protection reporting
11 hotline telephone number. A report of suspected abuse or neglect which is of a
12 nonemergency nature may be reported via the Louisiana Department of Children and
13 Family Services Mandated Reporter Portal online. Reports may also be made in
14 person at any child welfare office.

15 (b) If a report involves alleged sex trafficking, all mandatory reporters shall
16 report via the hotline telephone number to the department regardless of whether there
17 is alleged parental or caretaker culpability.

18 (c) A permitted reporter shall make a report through the designated state child
19 protection reporting hotline telephone number or in person at any child welfare
20 office.

21 ~~(3)~~**(5)** If a mandatory reporter is prohibited from immediately making the
22 report required by this Chapter to the department or local or state law enforcement
23 because of an employer's policies or employee manual, the mandatory reporter shall
24 file a complaint with local or state law enforcement. Local or state law enforcement
25 shall investigate the complaint, and an employer violating this Chapter shall be
26 subject to the penalties provided for in R.S. 14:131.1 and 403. An employer shall not
27 discriminate or retaliate against an employee who is a mandatory reporter for
28 complying with this Article. If an employer is found discriminating or retaliating
29 against an employee for complying with this Article, the employer shall be subject
30 to double the fines provided for in R.S. 14:131.1 and 403.

1 shall be immediately reported to the child's parent or legal guardian and to
 2 local or state law enforcement, regardless of the alleged perpetrator.

3 (2) If more than one child is involved in the allegations, the school shall
 4 immediately report to the parent or legal guardian of all involved children.

5 (3) Law enforcement shall begin an investigation of the allegations within
 6 forty-eight hours of receiving the report.

7 (4) If more than one child is involved in the allegations, law enforcement
 8 shall interview the parent or legal guardian of all children involved.

9 (5) Any sexual abuse cases in which the alleged perpetrator is a child
 10 shall be referred to the Department of Children and Family Services. The
 11 department shall assess the family of the child victim and the alleged child
 12 perpetrator to ensure child safety and well-being in accordance with Children's
 13 Code Article 612(A)(3).

14 (6) For purposes of this Article, the following definitions shall apply:

15 (a) "School setting" means in a school building, on school grounds, in
 16 school vehicles, or at any activities sponsored by a school.

17 (b) "Sexual abuse" means the perpetration or attempted perpetration of
 18 R.S. 14:41, 42, 42.1, 43, 43.1, 43.2, 43.3, 43.4, 80, 81, 81.1, 81.2, 86, 89, or 89.1.

19 ~~H.L.~~(1) The provisions of this Paragraph shall be known and may be cited as
 20 The Alfred C. Williams Child Protection Act.

21 (2) Beginning May 1, 2017, and annually thereafter, the department shall
 22 provide to the legislature the following child-specific information regarding reports
 23 of child abuse or neglect reported to the department pursuant to the provisions of this
 24 Article:

25 (a) The actual or estimated age, the sex, and the race of each child at the time
 26 the latest report was received.

27 (b) The parish location of primary case name of the latest report accepted for
 28 investigation received.

29 (c) The categories, levels, and final findings assigned to each allegation
 30 contained in reports received for each child.

1 (d) The number of cases accepted for investigation in which the child was an
2 alleged ~~or valid~~ victim during the report year.

3 (e) The number of cases accepted for investigation in which the child was a
4 ~~valid~~ **substantiated** victim during the report year.

5 (f) The number of reports accepted for investigation prior to report year in
6 which the child was an alleged or ~~valid~~ **substantiated** victim.

7 (g) The number of other alleged victims in reports accepted for investigation
8 in each child's cases prior to report year.

9 (h) The number of reports accepted for investigation prior to the report year
10 in which the child was a ~~valid~~ **substantiated** victim.

11 (i) The number of other ~~validated~~ **substantiated** victims in reports accepted
12 for investigation in each child's cases prior to report year.

13 (j) The number of distinct reporter names for all investigations in which the
14 child is an alleged or ~~valid~~ **substantiated** victim.

15 (3) For purposes of this Paragraph, the following words shall have the
16 following meanings:

17 (a) "Alleged victim" includes a child who is the subject of an investigation
18 and for whom there is an allegation of abuse or neglect.

19 (b) "~~Valid~~ **Substantiated** victim" ~~or "validated victim"~~ includes an alleged
20 victim for whom one or more allegations of abuse or neglect have been ~~determined~~
21 ~~to be justified~~ **substantiated** pursuant to Article 615.

22 * * *

23 Art. 612. Assignment of reports for investigation and assessment

24 A.

25 * * *

26 (3) In lieu of an investigation, reports of low levels of risk **and reports from**
27 **law enforcement of child sexual abuse as provided for in Children's Code**
28 **Article 610**, may be assessed promptly through interviews with the family to identify
29 needs and available match to community resources. If during this assessment, it is
30 determined that a child is at immediate substantial risk of harm, the local child

1 protection unit shall promptly conduct or participate in an intensive investigation.

2 * * *

3 Art. 615. Disposition of reports

4 * * *

5 B. After investigation, the local child protection unit shall make one of the
6 following determinations:

7 * * *

8 (2) The report ~~appears to be justified~~ **is substantiated**, in that there is
9 evidence of child abuse, or neglect, and a protective order or instanter safety plan
10 order would eliminate the need for removal of the child in order to protect him from
11 further abuse, in which case it may apply for a temporary restraining order or
12 protective order authorized by Article 617 and Article 618, or an instanter safety plan
13 order authorized by Article 619 or Article 620.

14 (3) The report ~~appears to be justified~~ **is substantiated**, in that there is
15 evidence of child abuse or neglect, in which case it shall report all pertinent
16 information to the district attorney, as soon as possible but in no case more than
17 thirty days after such determination, for evaluation of whether a child in need of care
18 petition should be filed in the court with juvenile jurisdiction.

19 * * *

20 (5) The report ~~does not appear justified~~ **is unsubstantiated** as the evidence
21 does not support a finding of child abuse or neglect.

22 * * *

23 E. When after the investigation of a report, the determination is made that the
24 report is inconclusive or ~~not justified~~ **unsubstantiated**, as provided in Subparagraphs
25 (B)(4) and (5) of this Article, the files, records, and pertinent information regarding
26 the report and investigation shall be strictly confidential, shall not become part of the
27 central registry except as otherwise provided in Subparagraph (1) of this Paragraph
28 or in Article 616(F), shall not be disclosed or ordered to be produced in conjunction
29 with any legal proceeding or other matter except as provided in Subparagraph (4) of
30 this Paragraph, and shall be maintained only for the following purposes:

1 (1) The files, records, and information shall remain unsealed and shall be
 2 maintained for the exclusive use of child protective services, to assist in future risk
 3 and safety assessments. The Department of Children and Family Services shall
 4 maintain all files and records for seven years from the date of the determination,
 5 unless a subsequent inconclusive or ~~not justified~~ **unsubstantiated** report is received
 6 during that period. In that case, information from all such reports will be maintained
 7 until the youngest child in the alleged victim's family attains the age of eighteen
 8 years or seven years from the date of the latest determination, whichever is longer.
 9 If information from an inconclusive or ~~not justified~~ **unsubstantiated** report is used
 10 as a part of the basis for a later, related, and ~~justified~~ **substantiated** report, the earlier
 11 report shall become part of the file of the ~~justified~~ **substantiated** report and shall
 12 cease to be a separate report.

13 * * *

14 (4)(a) All files, records, and information regarding a report that has been
 15 determined to be inconclusive or ~~not justified~~ **unsubstantiated** shall be released to
 16 local, state, and federal law enforcement agencies, military authorities, prosecuting
 17 authorities, and coroners upon request when such entity is in the course of
 18 investigations or legal proceedings and the requesting entity has good cause to
 19 believe that the files, records, or information contain information which may be
 20 constitutionally required to be disclosed pursuant to Brady v. Maryland, 373 U.S. 83
 21 (1963) and its progeny. The requesting agency shall request the information in
 22 writing and state the purpose for which the information is being requested.

23 * * *

24 F. The department shall promulgate rules to provide for the disposition,
 25 handling, maintenance, and storage of inconclusive and ~~not justified~~
 26 **unsubstantiated** reports in keeping with this Article. **Nothing in this Section shall**
 27 **be construed to modify or abrogate the provisions of R.S. 44:411.**

28 * * *

29 Art. 616. Registry; screening of CASA volunteers, staff, and board members;
 30 confidentiality

1 * * *

2 B. Within the state repository, the department shall maintain a state central
 3 registry of certain ~~justified~~ **substantiated** reports of abuse and neglect as set forth
 4 in rules promulgated by the department. The name of an individual who was placed
 5 on the state central registry as a perpetrator of abuse or neglect prior to the effective
 6 date of Children's Code Article 616.1.1 shall not be released outside of the
 7 department until that individual's administrative appeals are exhausted. After the
 8 effective date of Children's Code Article 616.1.1, the name of an individual who is
 9 determined to be a perpetrator of abuse or neglect shall not be placed on the state
 10 central registry until that individual's administrative appeals are exhausted. All
 11 decisions rendered by an administrative law judge are final, and the decisions shall
 12 exhaust the individual's administrative remedy. However, notwithstanding any other
 13 provision of law, the department shall provide information involving an investigation
 14 from either the repository or the state central registry immediately to the local district
 15 attorney's office, or its designee, or to the court, when taking court action is
 16 necessary to protect the child from abuse or neglect. The department shall provide
 17 information involving an open investigation or a completed investigation determined
 18 to be ~~justified~~ **substantiated** from either the repository or the state central registry
 19 to another state's child welfare agency upon written request when the request is made
 20 pursuant to an ongoing child protective services investigation in the other state.

21 * * *

22 D. Upon the written request of the court during its evaluation of any of the
 23 following individuals who will have contact with children served by the court-
 24 appointed special advocate program, and with the consent of the individual, the
 25 department shall search the central registry and report to the court any ~~justified~~
 26 **substantiated** report of abuse or neglect alleging that the individual is a perpetrator:

27 * * *

28 E. When, after an investigation, the determination is made by the department
 29 that the report does appear to be ~~justified~~ **substantiated**, any subsequent adjudication
 30 by a court exercising juvenile jurisdiction which dismisses the child in need of care

1 petition involving this report shall be added to the central registry.

2 * * *

3 H. The department may charge a fee, that shall not exceed twenty-five
4 dollars, to conduct a search of the state central registry of ~~justified~~ **substantiated**
5 abuse or neglect reports to determine whether an individual's name is recorded
6 therein. A search shall be allowed only when specifically authorized. **The fee shall**
7 **not apply to searches for school employees conducted pursuant to R.S. 17:15.**

8 * * *

9 Art. 616.1.1. Appeal and review; correction of central registry entries; procedure

10 A. When a report alleging abuse or neglect is ~~determined to be justified~~
11 **substantiated** by the department, the individual who is or was the subject of the
12 determination may make a formal written request to the division of administrative
13 law for an administrative appeal of the ~~justified~~ **substantiated** determination, in
14 accordance with the procedures set forth in Title 67 of the Louisiana Administrative
15 Code.

16 * * *

17 Section 8. Civil Code Art. 2315.12 is hereby enacted to read as follows:

18 **Art. 2315.12. Liability for damages caused by child sexual abuse in a school**
19 **setting**

20 **Any parent or guardian of a child who is the victim of sexual abuse in a**
21 **school setting as defined in Children's Code Article 610 may be awarded**
22 **damages including but not limited to medical expenses incurred as a result of**
23 **the sexual abuse, behavioral health expenses incurred as a result of the sexual**
24 **abuse, reimbursement of any tuition paid for attendance at the school if the**
25 **child is removed from the school, and any other damages allowed by law.**

26 Section 9.(A) The state central registry checks for all school employee applicants
27 required by this Act shall apply to any person hired on or after August 1, 2025.

28 (B) All early learning centers and prekindergarten programs shall be in compliance
29 with the child safety and welfare minimum standards provided for in R.S. 17:407.41 no later
30 than October 1, 2025.

1 (C) All prekindergarten programs requiring licensure as an early learning center
2 pursuant to this Act shall apply for licensure no later than January 1, 2026.

3 (D) The mandatory reporter training report provided for in Children's Code Article
4 603.1 shall be submitted to the Department of Education beginning with the 2026-2027
5 school year.

6 Section 10. This Act shall be known and may be cited as "Charlie's Law".

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____