

## RÉSUMÉ DIGEST

SB 41

2025 Regular Session

Barrow

### School Employee Background Checks - State Central Registry

Existing law prohibits any person convicted of or who has pled guilty or nolo contendere to certain crimes from owning, operating, or participating in the governance of an early learning center, residential home, or a residence where in-home child care is provided.

New law extends the prohibition to any person whose name has been recorded on the Dept. of Children and Family Services' state central registry.

Existing law allows BESE to issue an educator credential or teaching authorization to a person who has been convicted or pled nolo contendere to a felony offense if certain conditions have been met. New law prohibits BESE from issuing an educator credential or teaching authorization to a person if the felony offense is an offense listed in R.S. 15:587.1(C).

New law prohibits schools from employing an individual whose name is recorded on the Dept. of Children and Family Services' state central registry after August 1, 2018.

Existing law authorizes the Dept. of Children and Family Services to collect a \$25 fee for registry searches. New law exempts school employees from the fee.

Existing law lists murder, manslaughter, feticide, rape, sexual battery, female genital mutilation, intentional exposure to HIV, kidnapping, crimes involving juveniles, crimes involving a child sex doll, prostitution, crimes against nature, cruelty to persons with infirmities, crimes of violence, and other sex offenses as offenses that would prohibit employment at a school, early learning center, or other positions that include supervision of children.

New law adds additional human trafficking offenses and sexual battery of persons with infirmities to the list of offenses that would prohibit employment at a school, early learning center, or other positions that include supervision of children.

### Early Learning Centers

Prior law defined "early learning center" as any child day care center, Early Head Start Center, Head Start Center, or stand-alone prekindergarten program not attached to a school.

New law removes the exemption for nonpublic prekindergarten programs that are attached to a school and requires all nonpublic prekindergarten programs to be licensed by the Dept. of Education, except for Montessori schools, camps, and registered family child day care homes.

New law establishes child safety and welfare minimum standards and requires all public, nonpublic, and charter school prekindergarten programs to comply with the minimum standards.

Existing law provides for penalties for early learning center violations regarding supervision, criminal history record checks, the state central registry disclosure form, child-to-staff ratios, motor vehicle checks, and failure to report critical incidents.

New law requires the Dept. of Education to develop an informational document that contains the child safety and welfare minimum standards, a phone number to file complaints with the state Dept. of Education, a statement notifying the parents and legal guardians that the document is being distributed pursuant to new law.

New law provides that the Dept. of Education shall provide the document to each early learning center and prekindergarten program no later than August 1st of each year.

New law provides that the document shall be distributed to parents and legal guardians of all children enrolled in an early learning center or prekindergarten program and shall be distributed at the beginning of each school year and may be distributed electronically.

New law requires the Dept. of Education to publish those violations on its website.

### **Child Abuse and Neglect Reporting and Investigations**

Existing law requires teaching or child care providers to complete an annual online mandatory reporter training course and send a record of completion to the school or early learning center at which the teaching or child care provider is employed.

New law requires all schools and early learning centers to annually report all employees that have and have not completed mandatory reporter training to the Dept. of Education and requires the department to post each entity's completion rates, beginning with the 2026-2027 school year.

New law adds certain Dept. of Children and Family Services and office of juvenile justice employees to the list of mandatory reporters.

New law amends the definitions of "caretaker", "CASA program", "CASA volunteer", "mandatory reporter", and "teaching or child care provider" in the Children's Code.

New law provides for agency responsibility for accepting and responding to reports of child abuse and neglect.

New law provides for agency responsibility for sexual abuse cases in which the perpetrator is a child. Provides that the Dept. of Children and Family Services is responsible for cases where the child perpetrator lives with the child victim and law enforcement is responsible for all other cases involving a child perpetrator.

New law establishes requirements for reporting cases between the Dept. of Children and Family Services and law enforcement.

New law establishes requirements for law enforcement to respond to reports of child abuse in a school setting and to refer certain cases to the Dept. of Children and Family Services.

Existing law requires the state child ombudsman to notify the senator and representative who represent the district in which a child has died as a result of abuse or neglect within 24 hours of his knowledge of the death of the child and requires any state agency having responsibility for the custody or care of children to provide monthly notice to the ombudsman of the death of a child in its custody or care.

New law requires the Dept. of Children and Family Services to notify the state child ombudsman within three business days of receiving information on the death of a child that had been reported to the department for alleged child abuse or neglect.

### **Dept. of Children and Family Services Determinations**

Existing law requires the Dept. of Children and Family Services to make a determination following an investigation of a report of child abuse or neglect.

Prior law provided for a determination of justified, inconclusive, not justified, or false.

New law changes the determination language from "justified" or "unjustified" to "substantiated" or "unsubstantiated".

Prior law used the terms "valid" and "invalid" when referring to justified and unjustified determinations of the Dept. of Children and Family Services.

New law changes the terms "valid" and "invalid" to "substantiated" and "unsubstantiated".

### **Liability for Sexual Abuse in a School Setting**

New law provides that a parent or guardian of a child who is the victim of sexual abuse in a school setting may be awarded damages including medical and behavioral health expenses and reimbursement of tuition paid for attendance at the school if the child is removed from the school.

New law provides for implementation time frames for the various provisions of new law.

New law provides that new law shall be named and may be cited as "Charlie's Law".

Effective August 1, 2025.

(Amends R.S. 14:91.3(A), R.S. 15:587.1(C)(intro para), 587.1(C)(1), and 1110.3(H), R.S. 17:8.7(B)(intro para), 8.7(B)(1), 15(A)(1)(a), (b)(i)(bb) and (cc), and (b)(ii) and (2)(a)(ii)-(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), Ch.C. Art. 116(2.1) and (2.2), 603(4)(a), (17)(d), 603.1(B), 610(A), (E)(1) and (2), and (H), 612(A)(3), 615(B)(2), (3), and (5), 615(E)(intro para) and 615(E)(1) and (4)(a) and (F), 616(B), 616(D)(intro para), 616(E) and (H), and 616.1.1(A); adds R.S.17:15(A)(1)(b)(i)(dd) and (2)(a)(vi), 407.41, and 3996(B)(82), Ch. C. Art. 603(17)(l)-(o) and 610(I) and C.C. Art. 2315.12)