

according to Louisiana court precedent. The state may not exert other control over private schools because to do so would effectively intrude into family decisions in the areas of religious freedom and parental control over the rearing of children.

Present law (R.S. 13:5237) provides that state or local government agencies that discriminate on the basis of religion are subject to damages, attorney fees, and court costs in state court and federal court (42 U.S.C. 1983 et seq.).

Present law (R.S. 13:5234) defines "person" as an individual or a church or other religious organization, "exercise of religion" and "government" or "government agency".

Proposed law retains present law and provides for additional definitions specifically related to education, including definitions for "governmental education agency", "church affiliated school", and "religious educational institution".

Proposed law (R.S. 13:5231 et seq.) provides that no governmental educational agency shall discriminate against any religious adult or parent who chooses religious education, in violation of the free exercise of religion in the state and federal constitutions and in violation of the Preservation of Religious Freedom Act.

Proposed law provides that no governmental educational agency shall discriminate against a church affiliated school or religious educational institution by burdening the church affiliated school or religious institution with licensing requirements or other restrictions, or a combination thereof, that are greater than the least severe restrictions that are imposed upon or enforced against any public school or any secular nonpublic school, in violation of present law (R.S. 13:5233).

Proposed law provides that, if the government enacts an educational scholarship, tax credit, or other monetary benefit to allow students to attend an approved nonpublic school, then the benefit cannot be denied or reduced when the only basis for the denial or reduction is the fact that the approved nonpublic school is religious.

Proposed law provides that the purpose of proposed law is to avoid violating the constitutionally protected rights to the free exercise of religion guaranteed to parents, adult students, church affiliated schools, and other religious educational institutions and to allow state and local agencies to correct the religious discrimination if the offense was unintentional.

Proposed law (R.S. 13:5237-5242) provides that any claims for relief for violations of proposed law are to be handled in the same manners as those other claims are handled in the Preservation of Religious Freedom Act.

Present law (La. Const. Art. 8, §4) provides that upon the application by a private elementary or secondary school with a sustained curriculum or specialized course of study of quality that is at least equal to that prescribed for similar public schools, then BESE shall approve the private school.

Present law (R.S. 17:236) defines an elementary school to include prekindergarten grades or

programs.

Present law (R.S. 17:24.8) authorizes BESE approved nonpublic elementary schools to operate a prekindergarten program for three-year-olds and four-year-olds. Present law provides that the goal of elementary school prekindergarten programs is to improve academic readiness, individual development skills, and social skills in preparation for kindergarten.

Prior law that was in effect before 2025, exempted all school prekindergarten programs from daycare licensing regulations, fees and other requirements, whether the school was public or nonpublic.

Present law provides that daycares, which are allowed to enroll infant children, have regulations that require licensing fees, inspections, and other requirements from the Dept. of Health, Dept. of Education, and the La. State Fire Marshal. Present law, as enacted in 2025, extends all daycare regulatory licensing fees, inspections, and requirements only to church affiliated or religious nonpublic elementary schools as well as some, but not all, secular nonpublic elementary schools that operate prekindergarten programs for three or four-year-olds. Present law, as enacted in 2025, prohibits all those same daycare licensing requirements, fees, inspections, and regulations from being imposed on prekindergarten programs that are operated by secular nonpublic Montessori schools and public schools, including public charter schools.

Proposed law exempts all nonpublic religious and nonpublic secular elementary school prekindergarten programs from daycare licensing regulations, fees and other requirements in the same manner that present law exempts all public schools, all public charters schools, and all secular Montessori schools from daycare licensing regulations. Proposed law exempts nonpublic religious and nonpublic secular elementary schools from requirements related to the number of staff needed to operate elementary prekindergarten grades or programs.

Present law (R.S. 17:407.33) provides that early learning centers are licensed childcare facilities (daycares) that may accept children from birth to 18 years old. All daycares and childcare facilities must be licensed by the state, unless the child care facility is exempted from those licensing requirements by law.

Present law provides that operating an unlicensed childcare facility (that is not exempted from daycare licensing requirements) subjects the unlicensed operator to monetary fines and criminal penalties as follows:

- (1) Operating an unlicensed daycare facility subjects the operator to a civil fine from the Dept. up to \$1,000 a day. (R.S. 17:407.37)
- (2) Operating an unlicensed daycare facility is also a criminal offense with criminal penalties ranging from \$1,000 to \$5,000 in fines and up to 12 months in jail depending on the offense count. Fines can also be imposed at a rate of up to \$1,000 per day of operation. Additional penalties include potential bans on future licensing for up to 48 months. (R.S. 14:91.15)

Proposed law provides that, since prekindergarten grades or programs are part of elementary schools,

they are not required to be licensed as daycare facilities and are not subject to civil fines and criminal sentences that may otherwise be imposed on unlicensed daycare facilities.

Present law (R.S. 17:407.35) provides that the following are exempted from daycare licensing laws:

- (1) Prekindergarten programs operated by public schools, including public charter schools.
- (2) Prekindergarten programs operated by secular Montessori schools.
- (3) Summer and holiday camps, including Vacation Bible School and Bible camps, operated for children who are five years old or older.
- (4) Programs operated for no more than 24 hours a week.
- (5) Registered family child day care homes, with no more than six children.
- (6) Care given without charge.

Proposed law maintains present law and also exempts from daycare licensing laws:

- (1) All prekindergarten programs, including those operated by religious elementary schools and all secular nonpublic elementary schools.
- (2) Summer and holiday camps operated for children who are three years old or older.
- (3) Vacation Bible Schools, Bible camps, and other religious camps, regardless of age.
- (4) After-school or weekend athletic programs, such as dance classes, private cheerleading classes, or sports classes.
- (5) After-school or weekend tutoring programs or other educational enrichment programs authorized by law.
- (6) Mother's day out programs at churches.
- (7) Church conducted activities that are exempt under present law (R.S. 13:5233.1).

Proposed law provides that, in order for parents to exercise their constitutionally protected rights to choose religious education for their children, nonpublic elementary schools that are operated by a church affiliated school or religious educational institution may develop and offer a religious prekindergarten program of instruction in furtherance of the mission and purpose of the church affiliated or religious institution.

Proposed law provides that if a nonpublic religious elementary school or a nonpublic secular elementary school seeks approval from BESE to operate an approved prekindergarten elementary

program, then the school shall do all of the following:

- (1) Submit evidence that the educational institutional applicant is an approved elementary school, as defined in present law.
- (2) Provide a sustained curriculum, as required in the La. Const. Art. 8, §4.
- (3) Obtain a signed acknowledgment from each parent that the parent is aware that their child is enrolling into a religious prekindergarten school program that is operated by an approved nonpublic elementary school and, therefore, the facility is not a licensed daycare that is subject to federal daycare regulations and is not licensed as a childcare facility by the state.
- (4) Prepare an enhanced safety plan adopted by the school governing authority to provide enhanced safety protocols due to the age of the prekindergarten students.
- (5) Abide by all enhanced fire safety and health and welfare standards that are required by law for schools.
- (6) Obtain criminal background checks and reports for all teachers and employees of the elementary school prekindergarten program.

Proposed law provides that nothing in proposed law is to prohibit a church affiliated elementary school or other nonpublic school from electing to apply for a daycare license instead of, or in addition to, an elementary school prekindergarten program authorized pursuant to proposed law.

Proposed law provides that, if prior to Jan. 1, 2026, a church affiliated school or other nonpublic school was previously approved and in good standing with the state Dept. of Education to operate a nonpublic prekindergarten, then the prior approval is to remain in effect, in accordance with proposed law.

Proposed law provides that BESE is to adopt emergency rules for the approval process of a previously approved religious or secular nonpublic elementary prekindergarten program so as to avoid school closures in the 2026-2027 school year and to avoid the closure of summer camps during the upcoming summer.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:236(A), (B), and (C)(1), 407.33(1), and 407.35; adds R.S. 17:50-50.4, 50.7-50.8, and 236(F) and 236.1.1; repeals R.S. 17:24.8(B)(2))