
SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 524
by Senator Walsworth

1 AMENDMENT NO. 1

2 On page 1, line 4, after "17:407.26" change "and" to a comma ","

3 AMENDMENT NO. 2

4 On page 1, line 6, after "17:407.31 through" delete the remainder of the line and insert the
5 following:

6 "407.53, Part X-C of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950,
7 to be comprised of R.S. 17:407.61 through 407.72, and Part X-D of Chapter 1 of
8 Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.
9 17:407.81 through 407.84, and to repeal R.S. 46:1414, 1426,"

10 AMENDMENT NO. 3

11 On page 1, line 7, after "1429," insert "and 1445 through 1448,"

12 AMENDMENT NO. 4

13 On page 2, line 12, after "through" delete the remainder of the line and insert the following:

14 "407.53, Part X-C of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950,
15 comprised of R.S. 17:407.61 through 407.72, and Part X-D of Chapter 1 of Title 17
16 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:407.81 through
17 407.84, are hereby enacted"

18 AMENDMENT NO. 5

19 On page 3, line 22, after "institution," and before "society," insert "political subdivision,"

20 AMENDMENT NO. 6

21 On page 4, at the end of line 8 and at the beginning of line 9, delete "or kindergarten"

22 AMENDMENT NO. 7

23 On page 4, line 9, after "program" delete "that is"

24 AMENDMENT NO. 8

25 On page 4, at the end of line 16 and at the beginning of line 17, delete "or kindergarten"

26 AMENDMENT NO. 9

27 On page 4, line 21, after "grades" change "one" to "kindergarten"

28 AMENDMENT NO. 10

29 On page 4, line 22, after "including any" delete "kindergartens or"

1 AMENDMENT NO. 11

2 On page 5, line 7, after "**organization**" and before "**and that**" insert "**that is qualified as**
3 **a tax exempt organization under Section 501(c) of the Internal Revenue Code**"

4 AMENDMENT NO. 12

5 On page 6, between lines 3 and 4, insert the following:

6 **"D. Nothing in this Section shall prevent an early learning center**
7 **otherwise qualified for a Type I license to voluntarily seek a Type II or Type III**
8 **license, or an early learning center otherwise qualified for a Type II license to**
9 **voluntarily seek a Type III license, provided that such early learning center**
10 **meets the standards set forth for such license."**

11 AMENDMENT NO. 13

12 On page 6, line 16, after "**centers shall**" delete the remainder of the line and delete line 17
13 through 19, and insert the following:

14 **"continue to follow the administrative rules contained in the Louisiana**
15 **Administrative Code for the licensure of Class A and Class B child care**
16 **facilities.**

17 **B. The administrative rules contained in the Louisiana Administrative**
18 **Code promulgated by the Department of Children and Family Services which**
19 **govern or are applicable to the programs and operations transferred from the**
20 **Department of Children and Family Services to the Department of Education**
21 **by this Act shall continue to be effective until the Board of Elementary and**
22 **Secondary Education promulgates rules to implement the types of licenses**
23 **required by R.S. 17:407.36. "**

24 AMENDMENT NO. 14

25 On page 6, at the beginning of line 20, change "**B.**" to "**C.**"

26 AMENDMENT NO. 15

27 On page 7, at the beginning of line 3, change "**C.**" to "**D.**"

28 AMENDMENT NO. 16

29 On page 8, line 22, after "**(3)**" change "**Promote**" to "**Ensure**"

30 AMENDMENT NO. 17

31 On page 8, line 24, after "**(4)**" change "**Promote**" to "**Ensure**"

32 AMENDMENT NO. 18

33 On page 17, delete line 14 and insert the following:

34 **"§407.51. Advisory Council**
35 **A. The board shall establish an Advisory Council on Early Childhood**
36 **Care and Education that shall consist of the following members:**
37 **(1) Two Type III early learning centers, selected by the state**
38 **superintendent of education.**
39 **(2) One Type II early learning center, selected by the state**
40 **superintendent of education.**
41 **(3) One Type I early learning center, selected by the state superintendent**
42 **of education.**

1 **(4) Two representatives of Head Start programs, one of which shall be**
2 **operated by a local education agency and selected by the state board, and one**
3 **of which shall be operated by a nonlocal education agency and selected by the**
4 **state superintendent of education.**

5 **(5) Two representatives of local education agencies operating publicly**
6 **funded early childhood programs other than Head Start, selected by the state**
7 **board.**

8 **(6) Two representatives of Louisiana nonprofit advocacy organizations**
9 **having a focus on early childhood education, selected by the state**
10 **superintendent.**

11 **(7) Two representatives of approved nonpublic schools with publicly**
12 **funded early childhood care and education programs, selected by the state**
13 **board.**

14 **(8) One professional or faculty member having child development or**
15 **early childhood education expertise from a Louisiana post-secondary education**
16 **institution, selected by the commissioner of higher education.**

17 **(9) The president of the Louisiana Chapter of the American Academy of**
18 **Pediatrics, or his designee.**

19 **(10) One representative of an advocacy or service organization that**
20 **focuses on serving children with disabilities, selected by the state**
21 **superintendent.**

22 **(11) One representative of a Louisiana business or community**
23 **organization, selected by the state board.**

24 **(12) One parent of a child currently enrolled in a publicly funded early**
25 **learning center or prekindergarten program, selected by the state board.**

26 **B. The council shall include nonvoting ex officio members who may**
27 **advise and contribute to discussions pertaining to early childhood care and**
28 **education, including but not limited to the following:**

29 **(1) The chairmen of the House Committee on Education, Senate**
30 **Committee on Education, House Committee on Health and Welfare, and Senate**
31 **Committee on Health and Welfare, or their designee.**

32 **(2) The secretary of the Department of Children and Family Services or**
33 **his designee.**

34 **(3) The state director of the Head Start Collaboration.**

35 **(4) A representative of the state agency responsible for programs under**
36 **Section 619 or Part C of the Individuals with Disabilities Education Act (20**
37 **U.S.C. 1419, 1431 et seq.).**

38 **(5) The director of the Maternal Child Health Program at the**
39 **Department of Health and Hospitals.**

40 **(6) The director of the Child and Adult Care Food Program at the**
41 **Department of Education.**

42 **(7) The Louisiana State Fire Marshal, or his designee.**

43 **(8) A representative from the Office of Sanitarian Services at the**
44 **Department of Health and Hospitals.**

45 **(9) A representative from the Louisiana Workforce Commission.**

46 **(10) A representative from the Louisiana State Police Bureau of**
47 **Criminal Identification.**

48 **C. The council shall serve in an advisory capacity to the board and shall**
49 **comply with the Open Meetings Law.**

50 **D. The chair shall be elected by the voting members of the council.**

51 **E. Council members shall not receive compensation or a per diem for**
52 **their services or attendance at council meetings.**

53 **F. The department of education shall provide staff support for the**
54 **council, including but not limited to the scheduling of meetings, providing**
55 **public notice of scheduled meetings, and including information about the**
56 **council and its meeting minutes on its website. Council meeting minutes shall**
57 **be provided to the state board at its next regularly scheduled meeting.**

58 **G. The council shall meet at least quarterly, with the meetings to be**
59 **called by the chair or the state superintendent as needed. The chair shall set the**
60 **agenda.**

1 H. The council shall provide input and guidance to the board and the
 2 department of education on matters pertaining to the development and
 3 implementation of rules, regulations, bulletins, policies or standards related to
 4 all publicly funded early care and education programs, including early learning
 5 centers, enrollment in early learning centers, the Cecil J. Picard LA4 Early
 6 Childhood Program, the Child Care Development Fund Block Grant or the
 7 Child Care Assistance Program, Early Head Start and Head Start.

8 I. Prior to its submission to the United States Department of Health and
 9 Human Services, the department shall consult and provide a draft of the state
 10 plan for the Child Care and Development Fund and its budget, and any
 11 amendments to the state plan including budget revisions, and provide an
 12 opportunity for the council to make recommendations. Recommendations
 13 made by the council shall be reported to the state board.

14 J. Prior to the board’s consideration of any rule or standard related to
 15 early learning centers, enrollment in early learning centers, the Cecil J. Picard
 16 LA4 Early Childhood Program, the Child Care and Development Fund Block
 17 Grant or the Child Care Assistance Program, the department shall consult with
 18 and provide a draft of the proposed rules to the council, and provide an
 19 opportunity for the council to make recommendations. Recommendations
 20 made by the council shall be reported to the state board prior to their adoption.
 21 Nothing herein shall prevent the board from adopting an emergency rule
 22 pursuant to the Administrative Procedure Act.

23 K. The department shall provide quarterly reports on the
 24 implementation and progress, activities and status of the Early Care and
 25 Education Network, including the creation and implementation of an
 26 accountability system for early care and education programs and the transition
 27 of the Child Care Development Block Grant and licensure to the department of
 28 education. Any recommendations by the council shall be reflected in meeting
 29 minutes.

30 L. The department shall provide the council with reports not less than
 31 annually of the following activities, provided that data is available, pursuant to
 32 a schedule agreed upon by the chair and the state superintendent of education:

33 (1) A description of each publicly funded early care and education
 34 program, including the eligibility criteria, the program requirements, average
 35 number of hours and days of the program, and the amount of total funding and
 36 source of funding for each program. The description shall also include a specific
 37 description of the fee structure for the Child Care Assistance Program.

38 (2) The number of children served in each publicly funded early
 39 childhood care and education program in Louisiana, broken down by the age
 40 of the child and amount of public funding per child per program.

41 (3) The number of early learning centers by each licensing type and at
 42 each quality level as determined by the accountability system then in place, and
 43 the number of children served at each age in each type at each quality level.

44 (4) Description of the training and support provided to each program
 45 and the amount of funding for this by program and source of funds.

46 (5) Description of unmet family demand for early care and education in
 47 Louisiana.

48 (6) Description of the goals for the upcoming fiscal year for early care
 49 and education in Louisiana, including outcome indicators that will be used to
 50 measure progress, and a description of the progress made in achieving the
 51 previous year’s goals.

52 (7) Description and results of any evaluations of the early care and
 53 education programs in the state.

54 (8) Description of the early care and education workforce, including an
 55 analysis of the status of the current early care and education workforce,
 56 including demographics, certifications and education levels, participation and
 57 level on any professional development ladder, and the participation in any
 58 teacher tax credits. The description shall also include information about
 59 salaries and benefits, and a comparison of these to similarly qualified employees
 60 in other but related fields, and an analysis of the workforce capacity necessary
 61 to meet the state’s early care and education needs.

1 M. Any reports provided by the department and any council
2 recommendations shall be including in meeting minutes.

3 §407.52. Coordination

4 The Department of Education shall coordinate with the office of state fire
5 marshal and the Department of Health and Hospitals to align standards for
6 licensing of early learning centers with the standards for early childhood
7 education programs.

8 §407.53. Rules"

9 AMENDMENT NO. 19

10 On page 17, between lines 17 and 18, insert the following:

11 "PART X-C. Family Child Day Care Home Registration Law

12 §407.61. Short title

13 This Part may be cited as the "Family Child Day Care Home
14 Registration Law".

15 §407.62. Definitions

16 As used in this Part, the following definitions shall apply unless the
17 context clearly states otherwise.

18 (1) "Child" means a person who has not reached the age of eighteen
19 years. The words "child" and "children" are used interchangeably in this Part.

20 (2) "Child and Adult Care Food Program" means the federal nutrition
21 reimbursement program as funded by the federal Department of Agriculture
22 through the state Department of Education.

23 (3) "Child Care and Development Fund" means the child care programs
24 funded through the federal Child Care and Development Fund Block Grant Act
25 and administered by the state Department of Education.

26 (4) "Department" means the Department of Health and Hospitals or the
27 Department of Education, as indicated by the context.

28 (5) "Family child day care home" means any place, facility, or home
29 operated by any institution, society, agency, corporation, person or persons, or
30 any other group for the primary purpose of providing care, supervision, and/or
31 guidance of six or fewer children.

32 (6) "Relative" or "related" means the child, grandchild, niece or nephew
33 of the primary child care provider in a family child day care home.

34 §407.63. Requirement for registration; exemptions

35 A. All family child day care homes that receive state or federal funds,
36 directly or indirectly, shall be registered.

37 B. Family child day care homes that do not receive state or federal funds,
38 directly or indirectly, and individuals who provide care for only related family
39 members, shall not be required to be registered.

40 C. All family child day care homes shall be registered prior to receiving
41 any state or federal funds, directly or indirectly.

42 §407.64. Rules and regulations; inspection requirements

43 A. The Department of Health and Hospitals shall promulgate rules and
44 regulations in accordance with the Administrative Procedure Act to carry out
45 the provisions of this Part for all family child day care homes which receive
46 state or federal funds except those family child day care homes which
47 participate in the federal Child and Adult Care Food Program and/or the Child
48 Care and Development Fund.

49 B. The Department of Education shall promulgate rules and regulations
50 in accordance with the Administrative Procedure Act to carry out the
51 provisions of this Part for those family child day care homes that participate in

1 the federal Child and Adult Care Food Program or the Child Care and
2 Development Fund.

3 C. A family child day care home shall be inspected and approved by the
4 office of state fire marshal in accordance with the rules and regulations as
5 established under Subsections A and B of this Section, developed in consultation
6 with the office of state fire marshal.

7 §407.65. Inspections

8 The Department of Education, through its duly authorized agents, shall
9 reserve the right to visit and inspect registered family child day care homes as
10 deemed necessary by the department. All family child day care homes shall be
11 open to inspection by the department, parents, and by other authorized
12 inspection personnel during normal working hours or when children are in
13 care.

14 §407.66. Fees

15 A. (1) The office of state fire marshal shall have the authority to charge
16 each family child day care home applying for registration or renewal of
17 registration an annual fee for services. This fee shall be adopted in accordance
18 with the Administrative Procedure Act.

19 (2) A fee shall be charged to cover the cost of inspection for family child
20 day care homes regulated by the Department of Education in accordance to R.S.
21 17:407.64(B). The fee shall be set at thirty dollars per inspection and used for
22 the sole purpose of employing personnel to perform such inspections.

23 B. The office of state fire marshal shall transfer sufficient funds to the
24 Department of Health and Hospitals or the Department of Education for those
25 family child day care homes which receive state or federal funds but do not
26 participate in the federal Child and Adult Care Food Program to carry out the
27 registration process in accordance with this Part.

28 §407.67. Revocation or refusal to renew registration; written notice

29 The authorized department shall have the authority to deny, revoke, or
30 refuse to renew a registration of a registered family child day care home if an
31 applicant has failed to comply with the provisions of this Part, any applicable
32 published rule or regulation relating to registered family child day care homes,
33 or any other state, federal, or local rule or regulation. If a registration is denied,
34 revoked, or withdrawn, the action shall be effective when made and the family
35 child day care home shall be notified in writing. This notice shall give the reason
36 for denial, revocation, or withdrawal of the registration.

37 §407.68. Revocation or refusal of registration; appeal procedure

38 Upon the refusal of the department to grant or renew a registration or
39 upon the revocation of a registration, the family child day care home having
40 been refused a registration or renewal or having had a registration revoked
41 shall have the right to appeal such action to the division of administrative law
42 by submitting a written request for an appeal to the department within thirty
43 calendar days after receipt of the notification of the refusal or revocation. The
44 department shall notify the division of administrative law within ten calendar
45 days of receipt of a request for an appeal and the appeal hearing shall be held
46 no later than thirty calendar days after such notice, with an administrative
47 ruling no later than thirty calendar days from the date of the hearing. This
48 provision shall in no way preclude the right of the party to seek relief through
49 mandamus suit against the department, as provided by law.

50 §407.69. Operating without or in violation of registration; penalty; injunctive
51 relief

52 A. Whoever operates a family child day care home required to be
53 registered under this Part without a valid registration issued by the department
54 shall be fined not less than twenty-five dollars nor more than one hundred
55 dollars. Each day of operation in violation of the requirements of this Part shall
56 constitute a separate offense.

1 **B. The department may also file suit in the district court in the parish in**
2 **which the family child day care home is located for injunctive relief, including**
3 **a temporary restraining order, to restrain the family child day care home from**
4 **continuing the violation.**

5 **§407.70. Notification of health and safety violations**

6 **The department shall notify the appropriate agencies if it is determined**
7 **that one or more violations exist within a family child day care home which**
8 **place the health and well-being of a child or children in imminent danger.**

9 **§407.71. Grounds for revocation or refusal to renew registration; criminal**
10 **activities; lack of CPR or first aid training**

11 **A. No family child day care home may have in its employ, or living in the**
12 **home, any person who has been convicted of or pled nolo contendere to a crime**
13 **listed in R.S. 15:587.1(C). The cost of any criminal background check which**
14 **may be required by the department as proof of compliance with this Subsection**
15 **shall be the responsibility of the family child day care home.**

16 **B. The primary child care provider of any family child day care home**
17 **shall have documented current certification in either Infant/Child CPR or**
18 **Infant/Child/Adult CPR.**

19 **C. The department may deny, revoke, or refuse to renew any registration**
20 **of a family child day care home which violates the provisions of this Section.**

21 **D. The provisions of this Section shall not apply to a family child day**
22 **care home in which the primary child care provider at such home is related to**
23 **all the children receiving child care at such home.**

24 **E. The provisions of this Section shall not apply to a family child day**
25 **care home registered with the Department of Education solely for participation**
26 **in the federal Child and Adult Care Food Program.**

27 **§407.72. Orientation**

28 **A. All family child day care home providers receiving payments from the**
29 **Department of Education shall be required to participate in a four-hour**
30 **orientation. The orientation curriculum shall include but not be limited to the**
31 **following subjects: record keeping; immunization schedules and requirements;**
32 **recognizing signs of child abuse; child abuse prevention; communicating with**
33 **parents; age appropriate activities for young children; child development; child**
34 **safety; and nutritional needs of children. The orientation will count toward the**
35 **required hours of professional development training mandated by the**
36 **Department of Education.**

37 **B. New family child day care home providers are required to provide**
38 **proof of orientation participation within twelve months after beginning**
39 **operation. New providers, at the time of application, are required to sign an**
40 **agreement committing to attend the required orientation within twelve months.**

41 **PART X-D. Early Learning Staff**

42 **§407.81. Legislative intent; declaration of policy**

43 **It is the intent of the legislature to protect the health, safety, and well-**
44 **being of the children of the state who are in out-of-home care on a regular or**
45 **consistent basis. To that end, it shall be the policy of the state to ensure**
46 **protection of children in care by encouraging early learning staff to obtain**
47 **certification through early childhood educational training programs.**

48 **§407.82. Definitions**

- 49 **As used in this Part, the following definitions shall apply:**
50 **(1) "Early learning staff" means a person employed as a full-time staff**
51 **member in a licensed early learning center or a registered family child day care**
52 **home.**
53 **(2) "Department" means the Department of Education.**

54 **§407.83. Early learning staff; training**

1 Early learning staff who participate in an early childhood educational
2 training program approved by the department may be eligible for a scholarship
3 funded by the state. Such scholarship shall be awarded only if funds are
4 appropriated by the federal government for such purpose.

5 **§407.84. Departmental duties and responsibilities**

6 **A. The department shall administer the provisions of this Part, and shall**
7 **be responsible for all matters pertaining to establishing the scholarship amount**
8 **and the method of payment to eligible early learning staff.**

9 **B. The department shall develop guidelines and procedures to implement**
10 **the provisions of this Part, and to establish the amount of scholarships. The**
11 **guidelines for determining the scholarship amount may consider the number of**
12 **training hours earned, the type of training selected, the cost of the training to**
13 **early learning staff, the benefit of the training to the state and to the children**
14 **served, and other points considered essential by the department.**"

15 AMENDMENT NO. 20

16 On page 24, between lines 16 and 17, insert the following:

17 **"D. The Department of Education shall maintain on its website all the**
18 **information that is required by state and federal funding sources and is easily**
19 **accessible to the public, including but not limited to program statistics for the**
20 **Child Care Assistance Program that includes monthly and year end fiscal year**
21 **totals of the number of children and amount of benefits of the current year and**
22 **previous statistics as of 2004, monthly statistics of number of children and**
23 **amount of benefits by parish, applications processed by parish, unduplicated**
24 **count of paid providers by month, redeterminations, and cases by parish and**
25 **fiscal year. The department shall also include information on each licensed**
26 **facility for the last fifteen visits, including licensed capacity, license type and**
27 **current rating.**"

28 AMENDMENT NO. 21

29 On page 36, line 15, change "and" to a comma "," and after "1429" insert ", and 1445
30 through 1448"