

2026 Regular Session

SENATE BILL NO. 441

BY SENATORS MIZELL AND BARROW

STUDENTS. Provides relative to programs for prekindergarten-aged children. (gov sig)

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AN ACT

To amend and reenact R.S. 17:11(B), 24.8(A), (B), and (D)(1), 407.33(1) and (5), 407.35(A), and 407.41(A), (B)(2) and (3), and (C) and to enact R.S. 17:407.41(D), relative to programs for prekindergarten-aged children; to provide for nonpublic and public prekindergarten programs; to provide for approval of nonpublic prekindergarten programs; to provide for child safety and welfare standards; to provide for violations; to provide for camps; to provide for exemptions; to provide for rulemaking; to provide for terms, definitions, conditions, and procedures; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:11(B), 24.8(A), (B), and (D)(1), 407.33(1) and (5), 407.35(A), 407.41(A), (B)(2) and (3), and (C) are hereby amended and reenacted and R.S. 17:407.41(D) is hereby enacted to read as follows:

§11. Approval of nonpublic schools by board

* * *

B.(1) The board shall approve any nonpublic elementary or secondary school which makes application therefor on a form furnished by the board, if such school

1 meets and maintains a sustained curriculum or specialized course of study of quality
2 at least equal to that prescribed for similar public schools.

3 **(2) The board shall approve a prekindergarten program developed by**
4 **a nonpublic school pursuant to R.S. 17:24.8 if the program meets the**
5 **requirements of this Subsection and maintains substantial compliance with the**
6 **child safety and welfare standards provided for in R.S. 17:407.41. In its annual**
7 **application, each nonpublic school shall attest to the prekindergarten program's**
8 **compliance with the child safety and welfare standards.**

9 * * *

10 §24.8. Prekindergarten programs

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

15 ~~(2) All public prekindergarten programs shall comply with the child safety~~
16 ~~and welfare minimum standards provided for in R.S. 17:407.41. The governing~~
17 ~~authority of any approved nonpublic elementary school may develop and offer~~
18 ~~prekindergarten instruction. The youngest age at which a child may enter~~
19 ~~prekindergarten provided for by this Paragraph shall be three years old by~~
20 ~~September thirtieth of the year in which the child enrolls in prekindergarten.~~

21 **(3) Any parent who chooses to enroll his child in a prekindergarten**
22 **program authorized pursuant to this Subsection shall sign an acknowledgment**
23 **that the parent is aware of all of the following:**

24 **(a) The prekindergarten program is operated by a school.**

25 **(b) The prekindergarten program is not either of the following:**

26 **(i) Subject to federal daycare regulations pursuant to 45 CFR §98, or its**
27 **successor.**

28 **(ii) Licensed by the department as an early learning center in accordance**
29 **with the provisions of R.S. 17:407.31 et seq.**

1 (c) The monitoring and complaint processes of the state Department of
2 Education for compliance with the child safety and welfare standards.

3 B. All prekindergarten programs shall comply with the child safety and
4 welfare standards provided for in R.S. 17:407.41.

5 ~~(1) The governing authority of any approved nonpublic elementary school~~
6 ~~may develop and offer prekindergarten instruction. The youngest age at which a~~
7 ~~child may enter prekindergarten provided for by this Subsection shall be three years~~
8 ~~old by September thirtieth of the year in which the child enrolls in prekindergarten.~~

9 **If a public prekindergarten program demonstrates persistent or egregious**
10 **noncompliance with the child safety and welfare standards provided for in R.S.**
11 **17:407.41, a city, parish, or other local public school board shall consider**
12 **closure of the program or other measures deemed necessary to protect the**
13 **safety and welfare of prekindergarten children enrolled in the program at a**
14 **meeting held in accordance with the Open Meetings Law, R.S. 42:11 et seq.**

15 ~~(2) All nonpublic prekindergarten programs shall be licensed as an early~~
16 ~~learning center pursuant to Part X-B of this Chapter. Notwithstanding the~~
17 ~~provisions of R.S. 17:11(B)(2), if a nonpublic school operating a~~
18 ~~prekindergarten program demonstrates persistent or egregious noncompliance~~
19 ~~with the child safety and welfare standards provided for in R.S. 17:407.41, the~~
20 ~~department shall make a recommendation to the State Board of Elementary and~~
21 ~~Secondary Education to deny the approval request for a prekindergarten~~
22 ~~program for the subsequent school year unless substantive assurance is~~
23 ~~provided by the school that it will comply with the child safety and welfare~~
24 ~~standards.~~

25 * * *

26 D.(1) Beginning with the 2023-2024 school year, each city, parish, or other
27 local public school board shall work to develop a mixed provider delivery model for
28 full-day, year-round, high-quality prekindergarten instruction to each child residing
29 within the boundaries of the school district who is eligible for a prekindergarten

1 program pursuant to ~~Subsection A~~ **Paragraph (A)(1)** of this Section.

2 * * *

3 §407.33. Definitions

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

6 (1) "Camp" means any place or facility operated by any institution, society,
7 agency, corporation, person or persons, or any other group which meets any of the
8 **following:**

9 **(a) ~~serves~~ Serves only children ~~five~~ three years of age or older and operates**
10 **only when school is not in session during the summer months or school holidays**
11 **~~including but not limited to a Vacation Bible School or Bible Camp.~~**

12 **(b) Is a tax exempt church or religious organization in accordance with**
13 **U.S.C. 501(c) of the Internal Revenue Code that operates a Vacation Bible**
14 **School, Bible Camp, or religious camp for children of any age.**

15 **(c) Operates only an after-school or weekend extracurricular, academic,**
16 **or athletic program, including any competition related to the program, or an**
17 **after-school or weekend tutoring program or other educational or enrichment**
18 **program authorized by this Title.**

19 * * *

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

23 * * *

24 §407.35. Exemptions from licensure requirements

25 A. The provisions of this Part shall not apply to grades kindergarten and
26 above, prekindergarten programs attached to a **nonpublic or** public day school
27 **servng children in grades kindergarten and above,** Louisiana Montessori
28 accredited or provisionally accredited approved schools, camps, registered family
29 child day care homes, **Mother's day out programs,** and care given without charge.

1 **(iii) Five years or children enrolled in a school prekindergarten program**
2 **for five-year-olds - 20 to 1**

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

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

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

10 ~~(6)~~ Only staff members directly providing care, supervision, or guidance to
11 children shall be counted in the child-to-staff ratio. **The Except for transitions**
12 **between activities or classrooms, the** same staff members shall not be used to meet
13 the ratio requirements for two different groups of children at the same time.

14 ~~(7)~~**(5)** Sufficient staffing needed to satisfy child-to-staff ratios shall be
15 present on the premises during rest time and available to assist as needed. Children
16 ~~ages one and older~~ may be grouped together at rest time with one staff member in
17 each room supervising the resting children.

18 ~~(8)~~**(6)** Information regarding required child-to-staff ratios and a phone
19 number to file complaints regarding supervision with the Department of Education
20 shall be posted in each classroom in a location that is visible to parents.

21 ~~(9)~~**(7)** Children shall be supervised at all times including on the playground,
22 on field trips, and on nonvehicular excursions.

23 ~~(10)~~**(8)**(a) Children shall not be left alone in any room, outdoors, or in
24 vehicles, even momentarily, without staff present.

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

28 ~~(11)~~**(9)** A staff person shall be assigned to supervise specific children whose
29 names and whereabouts that the staff person shall know and with whom the staff

1 person shall be physically present. Staff shall be able to state how many children are
2 in their care at all times.

3 ~~(12)~~**(10)**(a) A child who is developmentally able may be permitted to use the
4 restroom independently if a staff member is in proximity to and can see the child to
5 ensure immediate intervention to safeguard a child from harm or to assist with an
6 accident while in the restroom.

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

9 ~~(13)~~**(11)** A child age five and older may be permitted to go to and return from
10 the restroom without staff.

11 ~~(14)~~**(12)** If a prekindergarten program or early learning center is part of a
12 school with children in kindergarten or older, staff shall ensure that the children
13 enrolled in the prekindergarten program or early learning center are not unsupervised
14 in the restroom at the same time as any older children who are using the restroom.
15 For any facility constructed after January 1, 2026, there shall be designated separate
16 restrooms for the children enrolled in the prekindergarten program or early learning
17 center.

18 ~~(15)~~**(13)** Children shall be changed and cleaned immediately following a
19 toileting accident.

20 B. * * *

21 (2) The state Department of Education shall provide the document to each
22 ~~early learning center and~~ prekindergarten program no later than August first of each
23 year.

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

27 * * *

28 C. The state Department of Education shall provide written notification to the
29 superintendent of a school district **or the governing authority of a nonpublic or**

1 **charter school** for any complaint received by the department regarding a
2 prekindergarten program in the **school or** district pursuant to this Section.

3 **D.(1) The state Department of Education shall conduct monitoring**
4 **activities for compliance with the child safety and welfare standards as provided**
5 **in this Section. Monitoring activities shall include an annual unannounced site**
6 **visit and prompt response to reports of noncompliance with the child safety and**
7 **welfare standards.**

8 **(2) Any violation of the child safety and welfare standards provided in**
9 **this Section shall be documented by the department. The documentation shall**
10 **include the specific standard violated and any corrective action taken and shall**
11 **be posted on the corresponding school page of the department's website.**

12 **(3) The department may issue a written warning to a school, which may**
13 **include a corrective action plan, for any violation of this Section if the violation**
14 **does not pose an imminent threat to the health, safety, rights, or welfare of a**
15 **child.**

16 Section 2. Notwithstanding any provision of law to the contrary, the State Board of
17 Elementary and Secondary Education may adopt emergency rules in accordance with the
18 Administrative Procedure Act to implement the provisions of this Act.

19 Section 3. This Act shall become effective upon signature by the governor or, if not
20 signed by the governor, upon expiration of the time for bills to become law without signature
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22 vetoed by the governor and subsequently approved by the legislature, the Act shall become
23 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Senate Legislative Services.
The keyword, summary, and digest do not constitute part of the law or proof
or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Present law requires the State Board of Elementary and Secondary Education to approve any nonpublic elementary or secondary school which makes application to the board, if the school meets and maintains a sustained curriculum or specialized course of study of quality

at least equal to that prescribed for similar public schools.

Proposed law retains present law.

Proposed law provides for the approval of nonpublic prekindergarten programs if the program meets the requirements of present law and maintains substantial compliance with the child safety and welfare standards provided in present law. Requires each school attest to its compliance with the child safety and welfare standards in its annual application.

Present law provides for the governance of public and nonpublic prekindergarten programs. Provides that the youngest age at which a child may enter a public prekindergarten program is four years old by September 30th of the year in which the child enrolls in prekindergarten, and for a nonpublic prekindergarten, the youngest age at which a child may enter a prekindergarten program is three years old by September 30th of the year in which the child enrolls in the program.

Proposed law retains present law.

Present law defines nonpublic prekindergarten programs as early learning centers, requiring licensing and regulation in accordance with present law.

Proposed law repeals present law.

Proposed law requires any parent who enrolls his child in a prekindergarten program, public or nonpublic, to sign an acknowledgment that the parent is aware that the program is operated by a school and that the program is not licensed as an early learning center and subject to federal daycare regulations.

Present law provides for child safety and welfare minimum standards.

Proposed law retains present law standards in part, but changes the name of the standards from child safety and welfare minimum standards to child safety and welfare standard.

Proposed law changes the child safety and welfare standards as follows:

- (1) Increases the child-to-staff ratios through the 2026-2027 school year for children ages four and five and provides for child-to-staff ratios for the 2027-2028 school year and subsequent school years.
- (2) Removes references to children under the age of two from the standards and removes the requirement for additional staff for children with special healthcare needs warranting additional care.
- (3) Makes an exception for staffing during transitions between activities.

Proposed law requires all school prekindergarten programs to comply with the child safety and welfare standards and provides for consequences for public and nonpublic prekindergarten programs with persistent and egregious noncompliance with the standards.

Proposed law provides for monitoring activities for compliance with the child safety and welfare standards. Provides for violations of the standards for public and nonpublic prekindergarten programs.

Present law defines "camp" as any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group which serves only children five years of age or older and operates only when school is not in session during the summer months or school holidays.

Proposed law lowers the age of children who may attend camp from five to three and adds that the definition of "camp" include any place or facility operated by any institution, society, agency, corporation, person or persons, or any group that either:

- (1) Is a tax exempt church or religious organization that operates a Vacation Bible School, Bible Camp, or religious camp for children of any age.
- (2) Operates only an after-school or weekend extracurricular, academic, or athletic program.

Proposed law authorizes the state Department of Education to adopt emergency rules to implement proposed law.

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

(Amends R.S. 17:11(B), 24.8(A), (B), and (D)(1), 407.33(1) and (5), 407.35(A), and 407.41(A), (B)(2) and (3), and (C); adds R.S. 17:407.41(D))