

CONFERENCE COMMITTEE REPORT

SB 441

2026 Regular Session

Mizell

May 20, 2026

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 441 by Senator Mizell, recommend the following concerning the Reengrossed bill:

1. That House Committee Amendments proposed by the House Committee on Education and adopted by the House of Representatives on April 28, 2026, be rejected.
2. That all House Floor Amendments proposed by Representative Schlegel and adopted by the House of Representatives on May 6, 2026, be rejected.
3. That all House Floor Amendments proposed by Representative Hilferty and adopted by the House of Representatives on May 6, 2026, be rejected.
4. That the set of House Floor Amendments proposed by Representative Chenevert and adopted by the House of Representatives on May 6, 2026, be rejected.
5. That the following to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 2, line 22, after "**shall**" delete the remainder of the line and delete line 23 and insert "**be provided the following information:**"

AMENDMENT NO. 2

On page 3, line 1, after "**processes**" delete the remainder of the line and at the beginning of line 2, delete "**Education**" and insert "**as provided in R.S. 17:407.41**"

AMENDMENT NO. 3

On page 3, line 3, delete "**All**" and insert "**Except as otherwise provided by law, all**"

AMENDMENT NO. 4

On page 4, delete line 27 and insert "**early learning program that is not part of an elementary school as defined in R.S. 17:236.**"

AMENDMENT NO. 5

On page 5, delete lines 18 through 29, and on page 6, delete lines 1 through 7 and insert the following:

- ~~"(2) The child-to-staff ratios shall not exceed the following:~~
- ~~(a) Infants and under one year - 5 to 1~~
 - ~~(b) One year - 7 to 1~~
 - ~~(c) Two years - 10 to 1~~
 - ~~(d) Three years - 13 to 1~~
 - ~~(e) Four years - 15 to 1~~

(f) Five years - 19 to 1

(a) The child-to-staff ratios shall be in compliance with those set in rules that the State Board of Elementary and Secondary Education shall adopt for this purpose. The rules shall provide ratio requirements for prekindergarten students who are three years old, four years old, and five years old in order to provide for the health, safety, and welfare of those students. Both public and nonpublic schools operating prekindergarten programs shall comply with the ratio requirements provided in these rules.

(b) The rules may be waived if the state board determines, upon clear and convincing evidence, that the demonstrated economic impact is sufficiently great to make compliance impractical for the school despite diligent efforts, and that alternative means have been put in place that ensure the health, safety, and well-being of students and staff."

AMENDMENT NO. 6

On page 6, delete lines 15 through 22 and insert:

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

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

AMENDMENT NO. 7

On page 6, line 23, delete "(6)"

AMENDMENT NO. 8

On page 6, line 24, after "Education" insert "**, as applicable,**"

AMENDMENT NO. 9

On page 6, at the beginning of line 26, change "(7)" to "(5)"

AMENDMENT NO. 10

On page 6, at the beginning of line 28, change "(8)(a)" to "(6)(a)"

AMENDMENT NO. 11

On page 7, at the beginning of line 4, change "(9)" to "(7)"

AMENDMENT NO. 12

On page 7, at the beginning of line 8, change "(10)(a)" to "(8)(a)"

AMENDMENT NO. 13

On page 7, at the beginning of line 14, change "(11)" to "(9)"

AMENDMENT NO. 14

On page 7, at the beginning of line 16, change "(12)" to "(10)"

AMENDMENT NO. 15

On page 7, at the beginning of line 23, change "(13)" to "(11)"

AMENDMENT NO. 16

On page 8, line 2, after "enrolled in" and before "prekindergarten" delete "an early learning center or" and insert "the"

AMENDMENT NO. 17

On page 8, line 23, after "provisions of" and before "this" insert "Subsection D of"

AMENDMENT NO. 18

On page 9, at the end of line 3, delete "Louisiana" and insert "state"

AMENDMENT NO. 19

On page 9, line 8, after "(2)" insert "(a)"

AMENDMENT NO. 20

On page 9, line 10, after "provisions of" delete the remainder of the line and delete lines 11 through 20 and insert:

"Subsection D of this Section if either of the following conditions are met:

(i) All of the following criteria are met:

(aa) The school remains a member in good standing with an association or organization recognized by the State Board of Elementary and Secondary Education for the purposes of this Section.

(bb) The association or organization's standards include provisions addressing the supervision, health, safety, and welfare of students enrolled in a prekindergarten program operated by the school that meet or exceed the child safety and welfare standards provided for in this Section.

(cc) The school provides a written attestation to the state Department of Education, at the same time of its annual school approval application, that the association or organization's standards meet or exceed the child safety and welfare standards provided for in this Section and provides documentation from the association or organization supporting the attestation.

(ii) The state Department of Education recommends that approval be granted after an annual review that the department shall conduct of each school seeking approval. The annual review may include site visits and shall include a review, at minimum, of the health, safety, and welfare of prekindergarten students.

(b) For the 2026-2027 school year, if an association or organization has submitted a complete application for recognition to the state board and the state board has not acted upon the application prior to the beginning of the 2026-2027 school year, the department shall accept the attestation submitted by the school.

(3) The State Board of Elementary and Secondary Education may revoke its approval of a prekindergarten program operated by a nonpublic school at any time if the board determines that the school has jeopardized the health, safety, or welfare of its students.

F.(1) Notwithstanding any provision of law to the contrary, any school, including a nonpublic school approved by the State Board of Elementary and Secondary Education or a prekindergarten program attached thereto, that is operated by a federally recognized tribe pursuant to federal law, including the Tribally Controlled Schools Act of 1988, 25 U.S.C. 2501 et seq., is exempt from the provisions of Subsections A through E of this Section and the rules and regulations adopted pursuant to R.S. 17:24.8(E).

(2) Nothing in this Subsection shall be construed to prohibit a school or prekindergarten program provided for in Paragraph (1) of this Subsection from electing to seek or obtain approval by the State Board of Elementary and Secondary Education.

G. Notwithstanding any provision of law to the contrary, a nonpublic school that operates a prekindergarten program and that does not receive any state or federal funds from any source, whether directly or indirectly, shall be exempt from the requirements of Subsection D of this Section.

AMENDMENT NO. 21

On page 9, line 21, change "F." to "H."

Respectfully submitted,

Senators:

Representatives:

Senator Beth Mizell

Representative Laurie Schlegel

Senator Rick Edmonds

Representative Stephanie Hilferty

Senator Regina Ashford Barrow

Representative Emily Chenevert

The legislative 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)]

CONFERENCE COMMITTEE REPORT DIGEST

SB 441

2026 Regular Session

Mizell

Keyword and summary of the bill as proposed by the Conference Committee

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

Report rejects House amendments which would have:

1. Required parents be provided with certain information about prekindergarten programs.
2. Removed child-to-staff ratios and required BESE to set ratio requirements in BESE rules.
3. Authorized BESE to waive ratio rules under certain circumstances.
4. Provided for conditions under which a BESE-approved, accredited nonpublic school and a BESE-approved nonaccredited nonpublic school is exempt from monitoring for compliance with child welfare and safety standards.
5. Added that BESE may revoke its approval of a prekindergarten program operated by a nonpublic school at any time if BESE determines that the school has jeopardized the health, safety, or welfare of its students.
6. Added an exemption for any school that is operated by a federally recognized tribe.
7. Added an exemption for any nonpublic school that operates a prekindergarten program, that does not receive any state or federal funds, directly or indirectly, for prekindergarten tuition.
8. Added to the definition of "early learning center" a stand-alone early learning program that is not part of an elementary school as defined by law.

Report amends the bill to:

1. Require parents be provided certain information about prekindergarten programs.
2. Remove provisions related to child-to-staff ratios and instead requires BESE to set ratio requirements by rule.
3. Authorize BESE to waive child-to-staff ratio requirements under certain circumstances.
4. Provide for conditions under which a BESE-approved, accredited nonpublic school and a BESE-approved nonaccredited, nonpublic school is exempt from monitoring for compliance with child welfare and safety standards.
5. Authorize BESE to revoke approval of a prekindergarten program operated by a nonpublic school at any time if BESE determines that

the school has jeopardized the health, safety, or welfare of its students.

6. Provide an exemption to child safety and welfare standards for any school that is operated by a federally recognized tribe.
7. Provide an exemption to monitoring requirements for any nonpublic school that operates a prekindergarten program and that does not receive any state or federal funds, from any source, whether directly or indirectly.
8. Make technical changes.

Digest of the bill as proposed by the Conference Committee

Present law requires the State Board of Elementary and Secondary Education (BESE) to approve a nonpublic elementary or secondary school that applies for approval if it 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 requires BESE to approve a prekindergarten program established by a nonpublic school if the program meets present law requirements for approval of a nonpublic school and maintains substantial compliance with child safety and welfare standards provided for in present law. Requires each school to attest to its compliance with these standards in its annual application.

Proposed law requires BESE, in consultation with the Nonpublic School Commission, to adopt rules and regulations to protect the health and safety of three-year-old children who attend prekindergarten at an approved nonpublic elementary school.

Present law authorizes local public school boards and the governing authorities of approved nonpublic schools to develop and offer prekindergarten instruction.

Proposed law retains present law and adds a requirement that any parent who chooses to enroll his child in either a public or nonpublic prekindergarten program be provided with the information that the program is operated by a school and is not subject to federal daycare requirements or licensed by the state Dept. of Education (DOE) as an early learning center.

Present law requires all public prekindergarten programs to comply with child safety and welfare standards provided for in present law.

Proposed law broadens this requirement to apply to all prekindergarten programs except as provided by law.

Present law requires all nonpublic prekindergarten programs to be licensed as early learning centers.

Proposed law removes present law licensure requirement for nonpublic prekindergarten programs.

Proposed law provides for a procedure for egregious complaints to be communicated to the governing authority of the public or nonpublic school. Authorizes DOE to recommend that BESE deny an approval request of a nonpublic school for a prekindergarten program for the next school year unless substantive assurance is provided by the school that it will comply with the child safety and welfare standards.

Present law defines "early learning center" as any child day care center, Early Head Start Center, Head Start Center, or nonpublic prekindergarten program. Requires the centers be licensed by DOE.

Proposed law removes nonpublic prekindergarten programs from the definition and adds any stand-alone early learning program that is not part of an elementary school to the definition of "early learning center".

Present law excepts certain entities from licensure as early learning centers, including 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.

Proposed law includes in the exemption prekindergarten programs attached to nonpublic and public day schools serving children in grades kindergarten and above and Mother's day out programs. Removes from the list Louisiana Montessori accredited or provisionally accredited approved schools.

Present law defines the term "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, including but not limited to Vacation Bible School or Bible Camp.

Proposed law lowers the minimum age to attend camp from five to three and expands the definition of "camp" to include:

(1) An entity that 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) An entity that operates an after-school or weekend extracurricular, academic, or athletic program, including any competition related to the program, or an after-school or weekend tutoring program or other educational or enrichment program authorized by present law.

Present law requires all early learning centers and all prekindergarten programs to meet specified child safety and welfare standards.

Proposed law removes the application of present law to early learning centers and specifies that it applies only to school prekindergarten programs.

Proposed law retains certain safety standards except for the following revisions relative to child-to-staff ratios:

(1) Removes specific child-to-staff ratios and instead provides that the child-to-staff ratios be in compliance with those set in rules that BESE shall adopt, including rules for ratio requirements for prekindergarten students who are three years old, four years old, and five years old in order to provide for their health, safety, and welfare.

(2) Allows that an average of the child-to-staff ratios be applied to mixed age groups of children without age limitation.

(3) Removes requirement that if the mixed age group includes children under two, the youngest child determines the child-to-staff ratio for the group.

(4) Removes requirement for additional staff for children with special healthcare needs warranting additional care.

(5) Removes requirement that only staff members directly providing care, supervision, or guidance to children be counted in the child-to-staff ratio.

(6) Removes requirement that sufficient staffing needed to satisfy child-to-staff ratios be present on the premises during rest time and available to assist as needed.

Proposed law requires BESE to set child-to-staff ratios requirements, by rule, for students who are three years old, four years old, and five years old in order to provide for health, safety, and welfare of those students. Authorizes BESE to waive ratio requirements under certain circumstances.

Present law requires DOE to provide written notification to the superintendent of a school district for any complaint received by the department regarding a prekindergarten program in the district pursuant to present law.

Proposed law retains present law and adds that DOE provide written notification to the governing authority of a nonpublic or charter school for any complaint received by the department regarding a prekindergarten program at the school.

Proposed law provides for monitoring activities conducted by DOE for compliance with the child safety and welfare standards. Provides for documentation of violations of the child safety and welfare standards and the issuance of warnings to schools, which may include corrective actions.

Proposed law provides that an accredited approved nonpublic school is exempt from the monitoring requirements if the school maintains accreditation in good standing with an accreditation organization recognized by BESE for the purpose of school approval and the accreditation organization's standards meet or exceed the child safety and welfare standards. Provides that the school must provide a written attestation to DOE that the accrediting organization's standards meet or exceed the child safety and welfare standards and provides documentation from the accrediting organization supporting the attestation.

Proposed law provides that an unaccredited approved nonpublic school is exempt from the monitoring requirements if either of the following conditions are met:

- (1) The school remains a member in good standing with an association or organization recognized by BESE; the association or organization standard's include provisions addressing the supervision, health, safety, and welfare of students enrolled in a prekindergarten program that meet or exceed the child safety and welfare standards; and the school provides a written attestation to DOE that the association or organization's standards meet or exceeds the standards.
- (2) DOE recommends that approval be granted after an annual review that the department shall conduct of each school seeking approval.

Proposed law provides that if an association or organization's application is not approved prior to the 26-27 school year by BESE, DOE must accept an attestation from an unaccredited approved nonpublic school.

Proposed law provides that BESE may revoke its approval of a prekindergarten program operated by a nonpublic school at any time if the board determines that it has jeopardized the health, safety, or welfare of its students.

Proposed law provides for an exemption for schools operated by federally recognized tribe from the child safety and welfare standards and monitoring by DOE.

Proposed law exempts a nonpublic school that operates a prekindergarten program and that does not receive any state or federal funds from monitoring by DOE.

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. 17:24.8(E) and 407.41(D), (E), and (F))