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The original instrument was prepared by Alan Miller. The following digest, which does not constitute a part of the legislative instrument, was prepared by Christopher D. Adams.

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## DIGEST

Walsworth (SB 222)

Present law provides for licensing of child-placing agencies, community homes, day care centers, group homes, maternity homes, and residential homes with Class A and Class B licenses.

Proposed law provides for licensing of camps, child-placing agencies, community homes, child day care centers, group homes, maternity homes, and residential homes with Type I, II and III licenses.

Proposed law defines a "specialized provider" as a child-placing agency, maternity home, or residential home.

Proposed law defines a "Type I license" as a license held by a child day care center or residential home that is owned or operated by a church or religious organization that does not wish to be licensed as a Type II or Type III center. "Type I license" also means a license held by a child day care center or residential home holding a Class B license prior to the effective date of the proposed law.

Proposed law defines a "Type II license" as a license held by any publicly- or privately-owned specialized provider.

Proposed law defines a "Type III license" as a license held by any publicly- or privately-owned child day care center which receives state or federal funds, directly or indirectly, from any source other than the federal food and nutrition program. Type III child day care centers must meet the performance and academic standards of the Early Childhood Care and Education Network regarding kindergarten readiness, as determined by the State Board of Elementary and Secondary Education.

Proposed law provides the department creates a child care committee to seek input in developing rules and regulations to establish Type I, Type II, Type III, and Type IV licenses.

Proposed law provides that all child day care centers that meet the definition for a Type II license pursuant to proposed law shall be issued a Type II license.

Proposed law provides any child day care center possessing a Class A license on the effective date of the proposed law that meets the definition of Type II license pursuant to proposed law shall be issued a Type II license.

Proposed law provides that all existing child day care centers that meet the definition for a Type

III license, or possess a Class B license pursuant to proposed law shall be issued a Type III license.

Proposed law provides that all existing child placing agencies, maternity homes, and residential homes that meet the definition for a Type IV license pursuant to proposed law shall be issued a Type IV license.

Proposed law provides any maternity home, residential home, or child-placing agency possessing a Class A license upon the effective date of the proposed law that meets the definition of a Type IV license pursuant to proposed law shall be issued a Type IV license.

Proposed law provides any child day care center requesting to change their license type shall apply with the department no later than December first of the preceding year.

Proposed law provides that all applicable fees provided for in present law remain in effect. Exempts from fees any authorized child day care center owned or operated by a church or religious organization.

Proposed law requires the department to promulgate regulations for each category and type of license to carry out the provisions of proposed law in accordance with the provisions of the APA. Requires that the department seek input and guidance from the Louisiana Advisory Council on Child Care and Early Education.

The regulations developed by the department, at a minimum, shall:

- (a) Promote the health, safety, and welfare of children attending any facility.
- (b) Promote safe, comfortable, and proper physical facilities.
- (c) Insure adequate supervision of those attending facilities by capable, qualified, and healthy personnel.
- (d) Insure adequate and healthy food service in facilities where food is offered.
- (e) Prohibit discrimination by child day care centers and specialized providers on the basis of race, color, creed, sex, national origin, handicapping condition, ancestry, or whether the child is being breastfed. However, this shall not restrict the hiring or admission policies of a licensed day care center owned by a church or religious organization, which may give preference in hiring or admission to members of the church or denomination. Nor shall it affect the rights of religious sectarian child-placing agencies to consider creed in any decision or action relating to foster care or adoption.
- (f) Require providers to have a written description of admission policies and criteria which expresses the needs, problems, situations, or patterns best addressed by its

program. These policies shall be available to the person legally responsible for any child referred for placement.

- (g) Include procedures by which parents and guardians are given an opportunity for consultation and information about the educational and therapeutic programs for the individual in attendance.
- (h) Include regulations and standards for nighttime care.
- (i) Include procedures for the receipt, recordation, and disposition of complaints.
- (j) Include procedures for the child's return to the parents. Arrangements for the child's return to the parent shall not include third parties or other child care agencies unless written agreement between the child care agency and the parent is on file with the child care agency.
- (k) Include procedures that allow a child day care center to remedy certain deficiencies immediately upon identification by the department in an onsite inspection, provided that any deficiency that may be remedied in such manner does not constitute a critical violation of licensing standards as determined by the department.

Proposed law requires any entity approved by the department also do the following:

- (1) Gain approval from the office of state fire marshal.
- (2) Gain approval from the office of public health.
- (3) Adhere by Type III child care centers, to the performance and academic standards of the Early Childhood Care and Education Network regarding kindergarten readiness as determined by BESE. The Department of Education shall base its approval upon the uniform accountability system.

Proposed law provides no facility holding a Type I license shall receive any state or federal funds, from any source, whether directly or indirectly. If a facility holding a Type I license receives any state or federal funds its license shall be automatically revoked.

Proposed law requires that no facility holding a Type II license shall receive any state or federal funds, from any source, whether directly or indirectly, other than those received solely for food and nutrition. If a facility holding a Type II license receives any state or federal funds, whether directly or indirectly, other than those received solely for food and nutrition, its license or authorization certificate shall be automatically revoked.

Proposed law requires the department to prepare standard forms for applications and for inspection reports.

Proposed law requires a comprehensive review of all standards, rules, and regulations for all licenses shall be made at least every three years by the department.

Proposed law allows the department secretary, in specific instances, to waive compliance with a minimum standard upon determination that the economic impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff or children is not imperiled. If it is determined that the facility or agency is meeting or exceeding the intent of a standard or regulation, the standard or regulation may be deemed to be met.

Proposed law provides discrimination by child care facilities and child placing agencies on the basis of race, color, creed, sex, national origin, disability, as defined by present law, ancestry, or whether the child is being breastfed is prohibited. However, this shall not restrict the hiring or admission policies of a church or religious organization, which may give presence in hiring or admission to members of the church or denomination.

Proposed law prohibits the department from regulating or attempting to regulate or control the religious or spiritual content of the curriculum of a school or facility sponsored by a church or religious organization.

Proposed law provides that nothing in the rules, regulations, and standards adopted pursuant to proposed law shall authorize or require medical examination, immunization, or treatment of any child whose parents object to such examination, immunization, or treatment on religious grounds.

Proposed law requires that every facility have a written discipline policy, which shall be made available to parents and to authorized inspection personnel upon request.

Effective August 1, 2013.

(Amends R.S. 46:1403, 1404(A), 1405, 1415, 1419 through 1422, 1425(A) and (B), 1427(intro para), and 1428(A); adds R.S. 46:1406 and 1407; and repeals R.S. 46:1408, 1409, 1412, 1413, and 1424)

### Summary of Amendments Adopted by Senate

#### Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Removes authorization certificates.
2. Defines a Type I license.
3. Provides for licensure transition.

4. Creates a child care committee within the Department of Children and Family Services.
5. Prohibits a facility holding a Type I license from receiving any federal or state funds.
6. Prohibits discrimination.
7. Technical changes.