

Regular Session, 2014

SENATE BILL NO. 533

BY SENATORS LAFLEUR AND WALSWORTH AND REPRESENTATIVES CARTER
AND LEGER

EDUCATION DEPARTMENT. Provides for a local enrollment coordination process for publicly funded early childhood care and education. (gov sig)

1 AN ACT

2 To enact Part X-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 17:407.41 through 407.45, relative to early childhood education
4 enrollment coordination; to provide for definitions; to provide for prohibitions; to
5 authorize local enrollment coordination entities; to provide for responsibilities of the
6 State Board of Elementary and Secondary Education and approved local enrollment
7 coordination entities; to provide for funding of approved local enrollment
8 coordination entities; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part X-B of Chapter 1 of Title 17 of the Louisiana Revised Statutes of
11 1950, comprised of R.S. 17:407.41 through 407.45, is hereby enacted to read as follows:

12 **PART X-B. LOUISIANA EARLY LEARNING**

13 **ENROLLMENT COORDINATION**

14 **§407.41. Definitions**

15 **As used in this Part, the following definitions shall apply:**

16 **A. "Coverage area" means the parish, parishes, or other geographical**
17 **area within the jurisdiction of a local early learning enrollment coordinator.**

1 **B. "Department" means the Department of Education.**

2 **C. "Local early learning enrollment coordinator" means an approved**
3 **entity that conducts a process for informing families about publicly-funded**
4 **early childhood care and education programs in the coverage area; collects**
5 **family preferences; develops and uses a common application process; annually**
6 **determine demand for publicly-funded early childhood care and education**
7 **within the coverage area; and makes recommendations to the department for**
8 **the distribution of available publicly-funded early childhood care and education**
9 **slots for at-risk children within its coverage area.**

10 **D. "State Board" means the State Board of Elementary and Secondary**
11 **Education.**

12 **§407.42. Authorization of local early learning enrollment coordinators**

13 **Prior to authorizing local early learning enrollment coordinators, the**
14 **state board shall:**

15 **(1) By September 1, 2014, provide the governing authority of each**
16 **public school system and each early learning center, nonpublic school which**
17 **provides publicly-funded early childhood services, and Head Start grantee**
18 **located within the geographic boundaries of the public school system with an**
19 **assessment of the extent to which these providers of early childhood services**
20 **coordinate their efforts to inform families about the availability of publicly-**
21 **funded early childhood care and education programs serving students four**
22 **years of age or younger.**

23 **(2) By October 1, 2015:**

24 **(a) Publish a list of public school systems within whose geographic**
25 **boundaries there is no coordinated effort by the public school system and the**
26 **early learning centers, nonpublic schools which provides publicly-funded early**
27 **childhood services, and Head Start grantees to inform families about the**
28 **availability of publicly-funded early childhood care and education programs**
29 **serving students four years of age or younger.**

1 **(b) Collect family preferences regarding enrollment choices.**

2 **(c) Enroll at-risk children, using available public funds, based upon**
3 **stated family preferences.**

4 **(3) Approve a process no later than June 30, 2015, to authorize entities**
5 **as local early learning enrollment coordinators to begin performing required**
6 **services in public school systems identified pursuant to Paragraph (1) of this**
7 **Section, as early as the 2015-2016 school year.**

8 **(4) Not certify any entity as a local early learning enrollment**
9 **coordinator under this Section unless it is in compliance with procedures and**
10 **regulations established by the state board. The entity shall be a state agency,**
11 **a public school system, a nonprofit or for-profit corporation having an**
12 **educational or social services mission, including but not limited to a nonprofit**
13 **corporation of a philanthropic or policy nature, a Louisiana public**
14 **postsecondary education institution, or a nonprofit corporation established by**
15 **the governing authority of a parish or municipality.**

16 **(5) Review each proposed local early learning enrollment coordinator**
17 **in a timely manner and determine whether each proposed local early learning**
18 **enrollment coordinator complies with the law and rules and whether the**
19 **proposal is valid, complete, and financially well-structured.**

20 **(6) Approve a process by which the department serves as the local early**
21 **learning enrollment coordinator for those coverage areas without an approved**
22 **entity.**

23 **(7)(a) The initial authorization of a local early learning enrollment**
24 **coordinator shall be for a period up to five years.**

25 **(b) After the initial authorization period, the state board may grant**
26 **renewal of authorization for additional periods of not less than three years nor**
27 **more than five years after thorough review of the local early learning**
28 **enrollment coordinator activities.**

29 **(8) Promulgate rules establishing an appeals process and designating the**

1 department to oversee the process through which families and early learning
2 centers have the opportunity to appeal decisions made by local early learning
3 enrollment coordinators.

4 §407.43. Responsibilities of approved local early learning enrollment
5 coordinators

6 In accordance with R.S. 17:407.22, local early learning enrollment
7 coordinators shall support families in accessing high-quality publicly-funded
8 early childhood care and education by:

9 (1) Conducting a process for disseminating information about early
10 childhood care and education programs and collecting family preferences in
11 order to make distribution recommendations.

12 (2) Using a common application process, annually determine family
13 demand for publicly-funded early childhood care and education within the
14 coverage area.

15 (3) Producing a recommendation to the department of the distribution
16 of available publicly-funded early childhood care and education slots within the
17 coverage area.

18 §407.44. Funding of approved local early learning enrollment coordinators

19 A. Pursuant to rules adopted by the state board, the department shall
20 allocate from public funds appropriated for early childhood care and education
21 programs within the geographic boundaries of public school systems identified
22 by the state board as requiring enrollment coordinators, an amount not to
23 exceed one percent of such programs to fund local early learning enrollment
24 coordinators in performing required services. If the per-child allocation or
25 subsidy amount for a program funded through a state-appropriated funding
26 stream is below the state average per-child amount or subsidy, the amount
27 deducted from the funding stream for the program to support the enrollment
28 system shall be a proportionate amount based upon the number of children
29 funded by the funding stream. Once the per-child allocation or subsidy amount

1 for a program funded through a state-appropriated funding stream is equal to
2 or greater than the state average per-child allocation or subsidy for all publicly
3 funded early childhood programs, the amount deducted from the funding
4 stream for the program to support the enrollment system shall be a
5 proportionate amount based upon the total statewide enrollment funded by that
6 funding stream. The department may additionally use such funds to support
7 any local enrollment pilot programs during the 2014-2015 school year in order
8 to inform the establishment of rules adopted by the state board on or before
9 June 30, 2015.

10 B. The department may establish start-up or incubation grants to
11 encourage sufficient supply of high-quality local early learning enrollment
12 coordinators.

13 C. The local early learning enrollment coordinator shall annually submit
14 to the department an independent financial audit conducted by a certified
15 public accountant who has been approved by the legislative auditor. Such audit
16 shall be accompanied by the auditor's statement that the report is free of
17 material misstatements. The audit shall be limited in scope to those records
18 necessary to ensure that the local early learning enrollment coordinator has
19 used funds to perform required services, and it shall be submitted to the
20 legislative auditor for review and investigation of any irregularities or audit
21 findings. The local early learning enrollment coordinator shall return to the
22 state any funds that the legislative auditor determines were expended in a
23 manner inconsistent with state law or state board regulations. The cost of such
24 audit shall be paid by the department from funds provided pursuant to
25 Subsection A of this Section.

26 §407.45. Rules

27 The state board shall adopt all rules and regulations required in this Part
28 in accordance with the Administrative Procedure Act.

29 Section 2. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature
2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
4 effective on the day following such approval.

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

DIGEST

LaFleur (SB 533)

Proposed law establishes Louisiana Early Learning Enrollment Coordination procedures and requires BESE to authorize local early learning enrollment coordinators to conduct a process for informing families about early childhood care and education programs in a coverage area, collect family preferences, develop and use a common application process, determine demand, and make recommendations to the Department of Education (DOE).

Proposed law provides that prior to authorizing local early learning enrollment coordinators, BESE shall:

- (1) By September 1, 2014, provide the governing authority of each public school system and each early learning center, nonpublic school which provides publicly-funded early childhood services, and Head Start grantee located within the geographic boundaries of the public school system with an assessment of the extent to which these providers of early childhood services coordinate their efforts to inform families about the availability of publicly-funded early childhood care and education programs serving students four years of age or younger.
- (2) By October 1, 2015:
 - (a) Publish a list of public school systems within whose geographic boundaries there is no coordinated effort by the public school system and the early learning centers, nonpublic schools which provides publicly-funded early childhood services, and Head Start grantees to inform families about the availability of publicly-funded early childhood care and education programs serving students four years of age or younger.
 - (b) Collect family preferences regarding enrollment choices.
 - (c) Enroll at-risk children, using available public funds, based upon stated family preferences.
- (3) Approve a process no later than 6/30/2015 to authorize entities as local early learning enrollment coordinators to begin performing required services in school systems as early as the 2015-2016 school year.
- (4) Not certify any entity as a local early learning enrollment coordinator under proposed law unless it is in compliance with procedures and regulations established by BESE. The entity shall be a state agency, a public school system, or a nonprofit or for-profit corporation having an educational or social services mission, including but not limited to a nonprofit corporation of a philanthropic or policy nature, a Louisiana public postsecondary education institution, or a nonprofit corporation established by the governing authority of a parish or municipality.
- (5) Review each proposed local early learning enrollment coordinator in a timely manner and determine whether each proposed coordinator complies with the law and

- rules and whether the proposal is valid, complete, and financially well-structured.
- (6) Approve a process by which the department serves as the local early learning enrollment coordinator for those coverage areas without an approved entity.
 - (7) Initially authorize the local early learning enrollment coordinators for a period up to five years. After the initial authorization period, BESE may grant renewal of authorization for additional periods of not less than three years nor more than five years after thorough review of the local early learning enrollment coordinator activities.
 - (8) Promulgate rules establishing an appeals process and designating DOE to oversee the process through which families and early learning centers may appeal decisions made by local early learning enrollment coordinators.

Proposed law provides that local early learning enrollment coordinators shall support families in accessing high-quality publicly-funded early childhood care and education by:

- (1) Conducting a process for disseminating information about early childhood care and education programs and collecting family preferences in order to make distribution recommendations.
- (2) Using a common application process, annually determine family demand for publicly-funded early childhood care and education within the coverage area.
- (3) Producing an annual recommendation to DOE of the distribution of available publicly-funded early childhood care and education slots within the region.

Proposed law provides that pursuant to rules adopted by BESE, DOE shall allocate from public funds appropriated for early childhood care and education programs within public school systems that require an enrollment coordinator, an amount not to exceed 1% of such programs to fund local early learning enrollment coordinators in performing required services. Provides that if the per-child allocation or subsidy amount for a program funded through a state-appropriated funding stream is below the state average per-child amount or subsidy, the amount deducted from the funding stream for the program to support the enrollment system shall be a proportionate amount based upon the number of children funded by the funding stream. Further provides that once the per-child allocation or subsidy amount for a program funded through a state-appropriated funding stream is equal to or greater than the state average per-child allocation or subsidy for all publicly funded early childhood programs, the amount deducted from the funding stream for the program to support the enrollment system shall be a proportionate amount based upon the total statewide enrollment funded by that funding stream. DOE may additionally use such funds to support any local enrollment pilot programs during the 2014-2015 school year in order to inform the establishment of rules adopted by BESE on or before 6/30/2015.

Proposed law authorizes BESE to establish start-up or incubation grants to encourage sufficient supply of high-quality local early learning enrollment coordinators.

Proposed law requires the local early learning enrollment coordinator to annually submit to DOE an independent financial audit conducted by a certified public accountant who has been approved by the legislative auditor, along with the auditor's statement that the report is free of material misstatements. The audit shall be limited in scope to those records necessary to ensure that the coordinator has used funds to perform required services, and it shall be submitted to the legislative auditor for review and investigation of any irregularities or audit findings. Requires the local early learning enrollment coordinator to return to the state any funds that the legislative auditor determines were expended in a manner inconsistent with state law or state board regulations. The cost of such audit shall be paid by the department from funds provided pursuant to proposed law.

Requires all rules required in the proposed law to be adopted pursuant to the APA.

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

(Adds R.S. 17:407.41-407.45)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Makes technical corrections.
2. Removes prohibition against authorizing an entity currently providing early childhood care and education as a local learning enrollment coordinator.
3. Removes prohibition against authorizing an entity which has a potential conflict of interest with an early learning center as a local learning enrollment coordinator.
4. Removes requirement that BESE make every attempt to ensure statewide coverage no later than the 2016-2017 school year.
5. Allows a public school system to be a local early learning enrollment coordinator.
6. Reduces the percentage DOE may deduct from program funds to fund enrollment coordinators from 2% to 1% and provides that this deduction will be made from "appropriated" funds instead of "available" funds. Provides for deductions in proportional amounts based on enrollment for programs funded through state appropriation.