

# ACT No. 644

Regular Session, 2014

HOUSE BILL NO. 954

BY REPRESENTATIVES LEGER AND CARTER AND SENATORS APPEL, LAFLEUR,  
AND WALSWORTH

1 AN ACT

2 To enact R.S. 17:407.26 and to repeal R.S. 17:24.10, relative to early childhood education;  
3 to provide relative to the Cecil J. Picard LA 4 Early Childhood Program; to provide  
4 relative to funding; to provide relative to eligibility criteria; to provide relative to the  
5 cost of participation; to provide relative to rules and regulations; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:407.26 is hereby enacted to read as follows:

9 §407.26. The Cecil J. Picard LA 4 Early Childhood Program

10 A. The state Department of Education, referred to in this Section as the  
11 "department", shall allocate funding, out of monies appropriated for such purpose,  
12 to each public school system that applies for such funding and uses the funding  
13 solely for the purpose of providing a program for early childhood development and  
14 enrichment activity classes in compliance with the requirements of this Section,  
15 which shall be named "The Cecil J. Picard LA 4 Early Childhood Program" and shall  
16 be referred to in this Section as "the LA 4 program". Such classes shall be referred  
17 to in this Section as "LA 4 classes".

18 B. Subject to the availability of funds, the LA 4 program shall be available  
19 to every eligible child. To be eligible for the LA 4 program, a child shall meet all  
20 of the following criteria:

21 (1) He is four years old or eligible to enroll in kindergarten in the following  
22 school year pursuant to R.S. 17:151.3.

1                   (2) He meets the requirements of R.S. 17:170 relative to immunization  
2                   documentation required for regular school enrollment.

3                   (3) He applies to the LA 4 program.

4                   C. The cost of the LA 4 program shall be as follows:

5                   (1) For children who are "at risk", as defined in the rules and regulations of  
6                   the State Board of Elementary and Secondary Education, referred to in this Section  
7                   as the "state board", the LA 4 program shall be provided at no cost, except for any  
8                   applicable lunch cost and the cost of before and after care.

9                   (2) For children who are not "at risk", tuition may be charged on a sliding  
10                  scale in an amount not to exceed that necessary for the public school system to  
11                  provide the program.

12                  (3) For all children, both "at risk" and not "at risk", each public school  
13                  system offering the LA 4 program may charge a fee for the cost of meals and the cost  
14                  of before and after care, subject to state board rules and regulations.

15                  D. Beginning with LA 4 program applications for the 2015-2016 school  
16                  year:

17                  (1) The department shall annually determine the demand for the LA 4  
18                  program.

19                  (2) The state board shall consider such demand, the availability of public  
20                  funds to support the program, and the eligibility of public school systems to receive  
21                  funds for the program and annually determine the following:

22                  (a) The cost of funding all LA 4 program applicants who both meet the  
23                  eligibility requirements provided in Subsection B of this Section and who are  
24                  determined to be "at-risk".

25                  (b) The method for equitably distributing available funds to eligible public  
26                  school systems.

27                  (c) The difference in dollar amount between the funding required to meet the  
28                  measured funding demand and the funding available in the fiscal year.

29                  E. Each participating school system may work collaboratively with other  
30                  publicly funded and Type III licensed providers of early childhood education that

1 serve children residing within the jurisdiction of the system, including Head Start  
2 and other federal programs, in providing the LA 4 program. Such collaboration may  
3 include agreements to share resources if such agreements are documented, no  
4 regulation of any provider is compromised or violated, and a clear demarcation of  
5 responsibility as to costs, employee supervision, and program administration is  
6 maintained.

7 F.(1) Beginning with the 2014-2015 school year and continuing thereafter,  
8 each participating school system shall use a percentage of the total increase in  
9 funding for the LA 4 program received each year in excess of the amount received  
10 during the previous school year to provide LA 4 classes through collaborative  
11 agreements with nonschool system providers of early childhood education that serve  
12 children residing within the geographic boundaries of the school system, that meet  
13 the definition of an early learning center as provided in Paragraph (2) of this  
14 Subsection, and that have attained the minimum quality rating as established by the  
15 state board required to be eligible to participate in the program, as follows:

16 (a) For a school year in which the per pupil allocation for the LA 4 program  
17 is less than five thousand dollars per child, each participating school system shall use  
18 at least five percent of the total increase in funding over the previous school year to  
19 provide LA 4 classes through collaborative agreements with nonschool system  
20 providers.

21 (b) For a school year in which the per pupil allocation for the LA 4 program  
22 is five thousand dollars per child or more, each participating school system shall use  
23 at least ten percent of the total increase in funding over the previous school year to  
24 provide LA 4 classes through collaborative agreements with nonschool system  
25 providers.

26 (2) For the purposes of this Section, "early learning center" means any child  
27 day care center, Early Head Start Center, Head Start Center, or stand-alone  
28 prekindergarten program not attached to a school.

29 (3) Such collaborative agreements may include but shall not be limited to the  
30 following options:

1           (a) The participating school system may lease physical space from a  
 2           nonschool system provider for an LA 4 class.

3           (b) The participating school system may provide a lead teacher with the  
 4           nonschool system provider supplying the physical space and all other personnel,  
 5           materials, or supplies needed to meet LA 4 program requirements.

6           (c) The nonschool system provider supplies the physical space and all of the  
 7           teaching and ancillary personnel, materials, and supplies needed to meet LA 4  
 8           program requirements.

9           (4) Participating school systems shall explore all feasible supports to enable  
 10          nonschool system providers of early childhood education to meet the requirements  
 11          of the LA 4 program, including providing teachers employed by the school system  
 12          to teach LA 4 classes in nonschool system provider settings, provided such teachers  
 13          are certified to serve as a lead teacher in accordance with Subparagraph (H)(3)(a) of  
 14          this Section.

15          (5) A nonschool system provider of early childhood education that serves  
 16          children residing within the jurisdiction of a participating public school system and  
 17          that wishes to participate in the LA 4 program shall apply to the board of the school  
 18          system in accordance with the time lines and regulations established by the state  
 19          board. Such application shall, at a minimum, include the following information:

20          (a) Verification that the applicant is a provider of early childhood education  
 21          that meets the definition of an early learning center as provided in this Subsection  
 22          and has attained the minimum quality rating required to be eligible to participate in  
 23          the program as established by the state board.

24          (b) Documentation that the provider meets the requirements for participation  
 25          in the program as provided by state law and state board regulation.

26          (c) Documentation relative to the provider's organizational, governance, and  
 27          operational structure.

28          (d) Documentation relative to the provider's policies, programs, and practices  
 29          in place to ensure parental involvement.

1           (e) Documentation relative to the provider's personnel policies and  
2           employment practices.

3           (f) Documentation relative to the provider's rules and regulations applicable  
4           to children, including disciplinary policies and procedures.

5           (g) Documentation relative to the adequacy of the provider's facilities and  
6           equipment.

7           (h) Documentation relative to the types and amounts of the provider's  
8           insurance coverage.

9           (i) Documentation relative to applicable teacher certification requirements.

10          (6) The provisions of R.S. 17:15 shall be applicable to all employees of an  
11          early learning center that enters into a collaborative agreement with a school board  
12          to provide LA 4 classes in a nonschool system provider setting, and each early  
13          learning center shall comply with all rules and regulations established by the  
14          participating school system pursuant to such law relative to criminal history review.

15          (7)(a) A waiver of the requirement specified in Paragraph (1) of this  
16          Subsection may be granted to a participating school system by the state board if the  
17          school system provides documentation acceptable to the state board that it meets at  
18          least one of the following conditions:

19               (i) There are no early learning centers located within the geographic  
20               boundaries of the participating school system that have attained the minimum quality  
21               rating required to be eligible to participate in the program as established by the state  
22               board.

23               (ii) The participating school system did not receive an application from an  
24               early learning center seeking to collaborate in the provision of LA 4 classes.

25               (iii) After a good faith effort and for good cause shown the participating  
26               school system and early learning center were unable to reach an agreement regarding  
27               the provision of LA 4 classes in a nonschool system provider setting.

28          (b) The state board shall send written notification to a participating school  
29          system as to whether its application for a waiver has been granted. However, a  
30          waiver shall not be granted for more than one school year at a time.

1           (c) Notwithstanding any other provision of law, in any given school year the  
2           provisions of this Subsection shall not apply to a participating school system with  
3           excess capacity in its LA 4 program nor shall such a system be required to seek or  
4           be granted a waiver from the state board of such requirements.

5           G. In addition to determining the demand for and distribution of funds for  
6           the LA 4 program, the state board shall assess all other funding streams in order to  
7           facilitate diverse delivery and fulfill demand to the greatest extent possible.

8           H. Each public school system operating the LA 4 program shall include or  
9           provide for the following:

10           (1) A full-day program for the hours of the day and the number of days that  
11           a regular school program in the school system is in session.

12           (2) A program of developmentally appropriate early childhood education,  
13           the content of which shall meet the standards required for accreditation of a high-  
14           quality early childhood education program as determined by the state board.

15           (3)(a) A teacher in each classroom, referred to in this Section as the "lead  
16           teacher", who is in charge of the classroom, supervises other adults employed in the  
17           classroom, plans the activities for the children in the classroom, and is one of the  
18           following:

19           (i) Certified by the department in nursery school education, kindergarten, or  
20           early intervention.

21           (ii) If the superintendent of the employing school system certifies by sworn  
22           affidavit that no qualified applicant with a certificate as provided in Item (i) of this  
23           Subparagraph has applied for the position, then a teacher certified by the department  
24           pursuant to rules adopted by the state board.

25           (iii) If the superintendent of the employing school system certifies by sworn  
26           affidavit that no qualified applicant with a certificate as provided in Item (i) or (ii)  
27           of this Subparagraph has applied for the position, then the recipient of a degree in  
28           elementary education, kindergarten, early childhood education, or early intervention  
29           and employed pursuant to the interim emergency policy of the state board for hiring  
30           non-certified personnel.

1           **(b) The employment, retaining, or reemployment of any person as a lead**  
2           **teacher who is qualified in any way other than as provided in Item (a)(i) of this**  
3           **Paragraph may occur only if such teacher can document consistently working toward**  
4           **obtaining the qualifications in Item (a)(i) of this Paragraph in compliance with the**  
5           **requirements of state board rule or is otherwise deemed qualified in accordance with**  
6           **rules adopted by the state board.**

7           **(4) A student-to-lead teacher ratio of no more than twenty-to-one and a**  
8           **student-to-adult staff member ratio of no more than ten-to-one.**

9           **(5) Classroom and instructional supplies consistent with the standards**  
10           **required in Paragraph (2) of this Subsection and consistent with standards required**  
11           **by state board rule.**

12           **(6) Required professional development, in compliance with state board rule,**  
13           **for lead teachers and all other persons whose employment in the LA 4 program**  
14           **involves direct contact with children.**

15           **(7) Adequate and appropriate space and facilities.**

16           **I. The department shall do all of the following:**

17           **(1) Provide technical assistance to each public school system operating the**  
18           **LA 4 program and ensure that each participating school system complies with the**  
19           **requirements of this Section and all rules adopted pursuant to this Section.**

20           **(2) Develop and implement a system of evaluating the efficiency and**  
21           **effectiveness of the LA 4 program and conduct a study of the long-term effects of**  
22           **the program on the school success of the participating children.**

23           **(3) Provide regular, scheduled, and appropriate professional development for**  
24           **lead teachers and all other persons whose employment in the LA 4 program involves**  
25           **direct contact with children pursuant to Paragraph (H)(6) of this Section.**

1 Section 2. R.S. 17:24.10 is hereby repealed in its entirety.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE

---

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_