
DIGEST

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HB 734 Reengrossed

2015 Regular Session

Seabaugh

Abstract: Provides relative to the registration and regulation of certain unlicensed child care providers that receive state or federal funds.

Present law provides for the licensing of early learning centers, defined as any child day care center (seven or more children), Early Head Start Center, Head Start Center, or stand-alone prekindergarten program not attached to a school. Proposed law retains present law.

Present law provides for the registration of certain places providing child care that do not meet the definition of early learning center and are thus not subject to present law licensing requirements. Authorizes the state Dept. of Education (DOE) to oversee the registration of such unlicensed providers. Proposed law generally retains present law but adds new provider types to the registration law and requires criminal background checks for such providers, as explained more fully below.

Definitions and Registration

Present law requires operators of "family child day care homes" to register with DOE. Defines "family child day care home" as any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and guidance of six or fewer children. Proposed law deletes present law and instead requires the following providers to register with DOE, defining them as follows:

- (1) "Family child care provider", defined as an individual who provides child care services for fewer than 24 hours per day per child, as the sole caregiver, for six or fewer children, in a private residence.
- (2) "In-home provider", defined as an individual who provides child care services in the child or children's own home.

Present law requires registration by an unlicensed day care facility if it receives state or federal funds, directly or indirectly. Proposed law instead requires a facility to register if funds are related to the care provided. Present law requires the provider to be registered before the receipt of funds. Proposed law retains present law but specifies that this applies to funds related to the care provided.

Present law provides that unlicensed day care facilities that do not receive state or federal funds and individuals providing care exclusively for related family members are not required to register with DOE. Proposed law retains present law.

Oversight

Present law authorizes the state Dept. of Health and Hospitals to promulgate rules and regulations for unlicensed child care providers that receive state or federal funds except those participating in the U.S. Child and Adult Care Food Program or the Child Care Development Fund. Proposed law deletes present law.

Present law requires DOE to promulgate rules and regulations for unlicensed child care providers participating in such program or fund. Proposed law instead requires the State Board of Elementary and Secondary Education (BESE) to promulgate such rules and regulations and limits their applicability to only participating providers that are registered.

Inspections

Present law requires that unlicensed child care facilities be inspected and approved by the office of the state fire marshal. Proposed law applies this requirement only to registered facilities.

Present law authorizes inspections of registered unlicensed child care facilities by DOE as it deems necessary. Proposed law retains present law. Present law authorizes the state fire marshal, parents, and other authorized inspection personnel to inspect unlicensed facilities during normal working hours or when children are in care. Proposed law retains present law but limits its applicability to registered facilities and only grants this authority to parents of children in care of the facility.

Revocation of Registration; Appeal; Violations

Present law authorizes DOE to deny, revoke, or refuse to renew a registration if an application fails to comply with present law. Establishes an appeal process and provides for fines for providers operating without valid registration. Proposed law retains present law.

Grounds for Revocation and Criminal Background Checks

Present law prohibits any unlicensed child care provider from employing or allowing a person who had been convicted of or plead *nolo contendere* to any of a group of certain enumerated present law crimes, such as first degree murder and cruelty to juveniles, to live in the place where care is provided.

Proposed law prohibits any individual who has been convicted of or plead *nolo contendere* to any such enumerated present law crimes from being a registered family child care provider, from being employed in the residence or on the property of the residence where the care is provided by the registered provider, or living in the residence where such care is provided by the registered provider.

For "in-home providers", proposed law is the same as proposed law relative to family child care providers, except that "caregivers" cannot be expelled for convictions or pleading *nolo contendere* to any of the enumerated present law crimes. Defines "caregiver" as "any person legally obligated to provide or secure care for a child, including a parent, legal custodian, foster home parent, or other

person providing a residence for the child."

Present law exempts providers who are related to all children receiving care from the criminal background check requirements. Proposed law retains present law.

Present law (R.S. 15:587.1) authorizes certain agencies and employers to obtain criminal background information on specific classes of people. Proposed law authorizes DOE to obtain criminal background information on registered unlicensed child care providers and any adults living in the home or employed on the premises.

Present law (R.S. 15:587.1(D)), with certain exceptions, prohibits the individual whose criminal history is being reviewed from being charged for such background checks. Proposed law requires the unlicensed child care provider to pay the cost of any criminal background check necessary to prove compliance with proposed law.

Required Training

Present law requires unlicensed child care providers to have certification in either Infant/Child CPR or Infant/Child/Adult CPR. Proposed law specifies that this is a condition of registration.

Present law requires each unlicensed child care provider to participate in a four-hour orientation and provides that such orientation counts toward required professional development training mandated by DOE. Proposed law provides that the orientation counts toward required training mandated by BESE.

Present law requires new unlicensed child care providers to provide proof of orientation within 12 months of initial registration. Proposed law reduces the length of this time period from 12 months to six months.

Effective July 1, 2015.

(Amends R.S. 15:587.1(A)(1)(a) and (D)(2), the heading of Part X-C of Ch. 1 of Title 17, R.S. 17:407.61, 407.62(4)-(6), and 407.63-407.72; Adds R.S. 17:407.62(7))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Provide for proposed law effectiveness on July 1, 2015, instead of upon governor's signature or lapse of time for gubernatorial action.
2. Specify that various requirements pertaining to unlicensed day care facilities apply only to those that are registered with the state Dept. of Education.