

ACT No. 876

SENATE BILL NO. 286

BY SENATOR DUPLESSIS AND REPRESENTATIVES ABRAMSON, ANDERS, ARMES, ARNOLD, AUBERT, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BILLIOT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANDLER, CHANEY, CONNICK, CROMER, DANAHAY, DIXON, DOERGE, DOWNS, EDWARDS, ELLINGTON, FANNIN, FOIL, GALLOT, GISCLAIR, ELBERT GUILLORY, MICKEY GUILLORY, HARDY, HARRISON, HAZEL, HENDERSON, HENRY, HILL, HINES, HOFFMANN, HONEY, HOWARD, HUTTER, GIROD JACKSON, JOHNSON, ROSALIND JONES, SAM JONES, KATZ, LABRUZZO, LAFONTA, LEBAS, LEGER, LIGI, LITTLE, LOPINTO, MILLS, MONICA, MONTOUCET, MORRELL, NORTON, PEARSON, PERRY, PETERSON, POPE, PUGH, RICHARDSON, RICHMOND, RITCHIE, ROBIDEAUX, SCHRODER, SIMON, SMILEY, GARY SMITH, JANE SMITH, PATRICIA SMITH, ST. GERMAIN, TALBOT, TEMPLET, TRAHAN, TUCKER, WADDELL, WILLIAMS AND WILLMOTT

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AN ACT

To amend and reenact R.S. 17:24.10(B)(2), (D), (H)(2), and (I)(1)(a)(i) and (5) and to enact R.S. 17:24.10(I)(1)(a)(iii), relative to early childhood education; to provide relative to universal access to the Cecil J. Picard LA 4 Early Childhood Education Program; to provide for timelines and eligibility requirements; to provide for participation by non-school system providers; to provide for local school system duties and responsibilities; to provide for reporting requirements; to provide relative to funding; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:24.10(B)(2), (D), (H)(2), and (I)(1)(a)(i) and (5) are hereby amended and reenacted and R.S. 17:24.10(I)(1)(a)(iii) is hereby enacted to read as follows:

§24.10. The Cecil J. Picard LA 4 Early Childhood Program; early childhood development and enrichment activity classes; establishment; eligibility; requirements; funding; study

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B.

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1 (2)(a) LA 4 classes shall be provided at no cost, except for the applicable
2 lunch cost, to the child or his family for any eligible child who is eligible to receive
3 free or reduced price meals pursuant to the federal child nutrition program as
4 documented by a completed application for such meals whether or not such meals
5 are sought.

6 (b) Any **Prior to the beginning of the 2013-2014 school year, any** other
7 eligible child may be charged a tuition for all or part of the LA 4 class, in an amount
8 not to exceed that necessary for the system to provide the LA 4 class to the child and,
9 in any case, no more than the average amount expended per pupil on those children
10 from whom no tuition may be required, excluding any amount attributable to the
11 provision of classroom space and utility costs. Such tuition may be scaled and
12 imposed according to a student's family income in compliance with a rule of the
13 State Board of Elementary and Secondary Education, referred to in this Section as
14 the "state board".

15 **(c) Subject to the appropriation of funds for this purpose and for the**
16 **2009-2010 school year, LA 4 classes shall be provided at no cost, except for the**
17 **applicable lunch cost, to the child or his family for any eligible child whose**
18 **family income is classified at or below three hundred percent of the poverty**
19 **level based on the United States federal poverty guidelines published annually**
20 **by the United States Department of Health and Human Services.**

21 **(d) Subject to the appropriation of funds for this purpose and for the**
22 **2010-2011 school year, LA 4 classes shall be provided at no cost, except for the**
23 **applicable lunch cost, to the child or his family for any eligible child whose**
24 **family income is classified at or below three hundred fifty percent of the poverty**
25 **level based on the United States federal poverty guidelines published annually**
26 **by the United States Department of Health and Human Services.**

27 **(e) Subject to the appropriation of funds for this purpose and for the**
28 **2011-2012 school year, LA 4 classes shall be provided at no cost, except for the**
29 **applicable lunch cost, to the child or his family for any eligible child whose**
30 **family income is classified at or below four hundred percent of the poverty level**

1 based on the United States federal poverty guidelines published annually by the
 2 United States Department of Health and Human Services.

3 (f) Subject to the appropriation of funds for this purpose and for the
 4 2012-2013 school year, LA 4 classes shall be provided at no cost, except for the
 5 applicable lunch cost, to the child or his family for any eligible child whose
 6 family income is classified at or below four hundred fifty percent of the poverty
 7 level based on the United States federal poverty guidelines published annually
 8 by the United States Department of Health and Human Services.

9 (g) Subject to the appropriation of funds for this purpose and beginning
 10 with the 2013-2014 school year and continuing thereafter, LA 4 classes shall be
 11 provided at no cost, except for the applicable lunch cost, to every eligible child,
 12 without regard to income level.

13 * * *

14 D. Each participating school system shall:

15 (1)(a)(i) Beginning with the 2009-2010 school year and continuing
 16 thereafter, use at least ten percent of the total increase in LA 4 funding received
 17 each year in excess of the amount received during the 2008-2009 school year to
 18 provide the early childhood education program component of LA 4 classes
 19 through collaborative agreements with non-school system providers of early
 20 childhood education that serve children residing within the geographic
 21 boundaries of the participating school system and that meet the definition of a
 22 "child care facility" as provided in R.S. 47:6102(2) and has attained the
 23 minimum quality rating required to be eligible to participate in the program as
 24 established by the state board.

25 (ii) Such collaborative agreements may include but shall not be limited
 26 to the following options:

27 (aa) The participating school system may lease physical space from a
 28 non-school system provider for a LA 4 class.

29 (bb) The participating school system may provide a lead teacher with the
 30 non-school system provider supplying the physical space and all other

1 personnel, materials, or supplies needed to meet LA 4 program requirements.

2 (cc) The non-school system provider supplies the physical space and all
3 of the teaching and ancillary personnel, materials, and supplies needed to meet
4 LA 4 program requirements.

5 (b)(i) Participating school systems shall explore all feasible supports to
6 enable non-school system providers of early childhood education to meet the
7 requirements of the LA 4 program, including providing teachers employed by
8 the school system to teach LA 4 classes in non-school system provider settings,
9 provided such teachers are certified to serve as a lead teacher in accordance
10 with Paragraph (C)(3) of this Section.

11 (ii) A non-school system provider of early childhood education that
12 serves children residing within the jurisdiction of a participating city, parish,
13 or other local public school system and that wishes to participate in the LA 4
14 program shall apply to the city, parish, or other local public school board of
15 such school system in accordance with the timelines and regulations established
16 by the state board. Such application shall, at a minimum, include the following
17 information:

18 (aa) Verification that the applicant is a provider of early childhood
19 education that meets the definition of a "child care facility" as provided in R.S.
20 47:6102(2) and has attained the minimum quality rating required to be eligible
21 to participate in the program as established by the state board.

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

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

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

29 (ee) Documentation relative to the provider's personnel policies and
30 employment practices.

1 (ff) Documentation relative to the provider's rules and regulations
2 applicable to children, including disciplinary policies and procedures.

3 (gg) Documentation relative to the adequacy of the provider's facilities
4 and equipment.

5 (hh) Documentation relative to the types and amounts of the provider's
6 insurance coverage.

7 (ii) Documentation relative to applicable teacher certification
8 requirements.

9 (iii) The provisions of R.S. 17:15 shall be applicable to all employees of
10 a non-school system provider of early childhood education that enters into a
11 collaborative agreement with a city, parish, or other local public school board
12 to provide LA 4 classes in a non-school system provider setting, and each non-
13 school system provider shall comply with all rules and regulations established
14 by the participating school system pursuant to such law relative to criminal
15 history review.

16 (iv) A waiver of the requirement specified in Item (a)(i) of this Paragraph
17 may be granted to a participating school system by the state board, after
18 consultation with the secretary of the Department of Social Services, provided
19 the participating school system provides documentation acceptable to the state
20 board that it meets at least one of the following conditions:

21 (aa) There are no non-school system providers of early childhood
22 education located within the geographic boundaries of the participating school
23 system that have attained the minimum quality rating required to be eligible to
24 participate in the program as established by the state board.

25 (bb) The participating school system did not receive an application from
26 a non-school system provider of early childhood education seeking to
27 collaborate in the provision of LA 4 classes.

28 (cc) After a good faith effort, and for good cause shown, the participating
29 school system and a non-school system provider are unable to reach an
30 agreement regarding the provision of LA 4 classes in a non-school system

1 provider setting.

2 (v) The state board shall send written notification to a participating
 3 school system as to whether its application for a waiver has been granted.

4 However, in no case shall a waiver be granted for more than one school year at
 5 a time.

6 (vi) Notwithstanding any other provision of law, in any given school year
 7 the provisions of this Paragraph shall not apply to a participating school system
 8 with excess capacity in its LA 4 program nor shall such a system be required to
 9 seek or be granted a waiver from the state board from such requirements.

10 ~~(1)~~(2) Submit an application at the time, in the form, and with the content
 11 required by state board rule that includes, at a minimum:

12 (a) A plan for advising the population of the availability of the LA 4 classes.

13 (b) A detailed plan for the provision of LA 4 classes, **including a plan for**
 14 **the provision of LA 4 classes in collaboration with non-school system providers**
 15 **of early childhood education as provided in Paragraph (1) of this Subsection.**

16 (c) An estimation of participation, including an estimate of the number of
 17 children within the system's jurisdiction or participating segment within the
 18 jurisdiction who would be eligible for free or reduced price meals under the federal
 19 child nutrition law.

20 (d) An estimated budget.

21 ~~(2)~~(3) Provide for resource coordination services which shall be available to
 22 LA 4 class students and their families to assist in supporting the needs of the student
 23 and their family, including such services as adult literacy services. Resource
 24 coordination services shall be provided at the level necessary for the students who
 25 would benefit from such assistance and their families to have such services readily
 26 available as determined by and in compliance with state board rule.

27 ~~(3)~~(4) Meet with all other governmentally funded providers of early
 28 childhood education which serve children residing within the jurisdiction of the
 29 system, including **child care providers that participate in the Quality Rating**
 30 **System established by the Department of Social Services** and federal programs

1 such as Head Start, to discuss common issues and establish means to coordinate
2 programs in such a way as to ensure that a high quality early childhood education
3 program is available to the maximum number of children who would be eligible
4 under this Section. Such meeting shall occur as often as necessary, but not less often
5 than quarterly.

6 ~~(4)~~(5) Report any information required by the state board.

7 ~~(5)~~(6) Maintain in each year of participation pursuant to this Section the same
8 total level of funding from any source for programs or classes of early childhood
9 education or child care provided in the year prior to such participation.

10 ~~(6)~~(7) Provide written notice to the parent or guardian of every enrolled
11 student of the availability of enrichment activities for the students before and after
12 the early childhood education portion of the day for a total of ten hours per day,
13 except in any year when the system has been granted a waiver from making such
14 activities available pursuant to Item (C)(1)(c)(i) of this Section.

15 * * *

16 H. The state Department of Education shall:

17 * * *

18 (2) Require statistical reporting and other documentation and reporting as is
19 required for primary grades, **including information on the number of children**
20 **participating in LA 4 classes provided by non-school system providers of early**
21 **childhood education.**

22 * * *

23 I.(1)(a)(i) Except as provided in Item (ii) of this Subparagraph, out of funds
24 appropriated for such purposes from whatever source, the state Department of
25 Education shall provide an amount of funding based upon the per pupil amount
26 defined in this Subsection multiplied by the estimated number of students for the
27 year who will be eligible to receive free or reduced price meals, **or to attend LA 4**
28 **classes at no cost, other than the applicable lunch cost, as calculated in**
29 **accordance with the provisions of Paragraph (B)(2) of this Section** for whom
30 early childhood development classes are being provided by the system for the first

1 time as a result of the system's participation in the program. The per pupil amount
 2 in any year shall be based upon the total amount of money actually expended by all
 3 participating systems as authorized by this Section for LA 4 classes, excluding the
 4 cost of providing classroom space and utilities, divided by the number of students
 5 actually participating in accordance with the amount of money appropriated for the
 6 purpose of this Section and the minimum amount necessary to provide a high quality
 7 program as required in this Section. Funding for the enrichment activities provided
 8 during the before and after school session time shall be provided only for the number
 9 of eligible students actually participating in those activities.

10 * * *

11 **(iii) No LA 4 funding in excess of the amount received for the 2008-2009**
 12 **school year shall be allocated to a participating school system that has failed to**
 13 **comply with the provisions of Subparagraph (D)(1)(a) of this Section, unless the**
 14 **participating school system has been granted a waiver as provided in**
 15 **Subparagraph (D)(1)(b) of this Section or the provisions of Item(D)(1)(a)(vi) of**
 16 **this Section apply.**

17 * * *

18 (5)(a) At any time that less money is appropriated than is required for full
 19 funding of all eligible applications, applications shall be fully funded as provided in
 20 this Section until all available money has been committed for expenditure in the
 21 manner provided in Subparagraph (b) of this Paragraph. **As provided in**
 22 **Subparagraph (b) of this Paragraph, LA 4 funding shall first be used to fully**
 23 **fund the provision of early childhood education services to children eligible to**
 24 **receive free or reduced priced meals pursuant to the federal child nutrition**
 25 **program.**

26 (b)(i) The department shall calculate the approximate percentage of the total
 27 number of children in the state who will be eligible to enter public school
 28 kindergarten pursuant to R.S. 17:151.3 in the following year, who will be eligible to
 29 receive free or reduced price meals pursuant to the federal child nutrition program,
 30 who are not likely to be enrolled in an early childhood education class, based on the

1 level of the enrollment in such classes in the previous school year, and who can be
2 enrolled in LA 4 classes as provided in this Section with the money available for
3 such purpose.

4 (ii) An amount of the total money available shall be set aside to provide LA
5 4 classes for the same percentage as that calculated pursuant to Item (i) of this
6 Subparagraph of the total number of children in each State Board of Elementary and
7 Secondary Education election district who will be eligible to enter public school
8 kindergarten pursuant to R.S. 17:151.3 in the following year, who will be eligible to
9 receive free or reduced price meals pursuant to the federal child nutrition program,
10 and who are not likely to be enrolled in an early childhood education class, based on
11 the level of the enrollment in such classes in the previous school year.

12 **(iii)(aa) After sufficient funding has been made available to provide LA**
13 **4 classes at no cost, except for the applicable lunch cost, to all eligible children**
14 **as provided in Items (i) and (ii) of this Subparagraph, the same method of**
15 **calculation employed in Items (i) and (ii) of this Subparagraph shall be applied**
16 **to provide funding for eligible children from a family whose income is classified**
17 **at or below three hundred percent of the poverty level based on the United**
18 **States federal poverty guidelines published annually by the United States**
19 **Department of Health and Human Services.**

20 **(bb) After sufficient funding has been made available to provide LA 4**
21 **classes at no cost, except for the applicable lunch cost, to all eligible children as**
22 **defined in Subitem (aa) of this Item, the same method of calculation employed**
23 **in Items (i) and (ii) of this Subparagraph shall be applied to provide funding for**
24 **eligible children from a family whose income is classified at or below three**
25 **hundred fifty percent of the poverty level based on the United States federal**
26 **poverty guidelines published annually by the United States Department of**
27 **Health and Human Services.**

28 **(cc) After sufficient funding has been made available to provide LA 4**
29 **classes at no cost, except for the applicable lunch cost, to all eligible children as**
30 **defined in Subitem (bb) of this Item, the same method of calculation employed**

1 in Items (i) and (ii) of this Subparagraph shall be applied to provide funding for
 2 eligible children from a family whose income is classified at or below four
 3 hundred percent of the poverty level based on the United States federal poverty
 4 guidelines published annually by the United States Department of Health and
 5 Human Services.

6 (dd) After sufficient funding has been made available to provide LA 4
 7 classes at no cost, except for the applicable lunch cost, to all eligible children as
 8 defined in Subitem (cc) of this Item, the same method of calculation employed
 9 in Items (i) and (ii) of this Subparagraph shall be applied to provide funding for
 10 eligible children from a family whose income is classified at or below four
 11 hundred fifty percent of the poverty level based on the United States federal
 12 poverty guidelines published annually by the United States Department of
 13 Health and Human Services.

14 ~~(iii)~~**(iv)** The date and time of receipt of all applications shall be noted by the
 15 department. All eligible applications shall be divided among the State Board of
 16 Elementary and Secondary Education election districts. The earliest received eligible
 17 application from each district shall be funded in preference to the second earliest
 18 eligible application. This process of funding by date and time of eligible application
 19 shall continue until all available funding has been committed for expenditure.

20 ~~(iv)~~**(v)** In the case that any single applicant is located in more than one State
 21 Board of Elementary and Secondary Education election district, that applicant shall
 22 be assigned to the election district in which it predominates.

23 ~~(v)~~**(vi)** Should any single applicant have a sufficient number of children who
 24 will be eligible to enter public school kindergarten pursuant to R.S. 17:151.3 in the
 25 following year, who will be eligible to receive free or reduced price meals pursuant
 26 to the federal child nutrition program **or who meet the income requirements as**
 27 **provided in Item (iii) of this Subparagraph**, and who, based on the level of the
 28 enrollment in early childhood classes in the previous school year, are not likely to
 29 be enrolled in such classes such that providing funding for such children to be
 30 enrolled in LA 4 classes equal to the percentage calculated pursuant to Item (i) of

