

Report on 2012 Legislative Session

This report provides information about bills that were enacted and sent to the Governor. This information is not meant as a legal interpretation but to provide basic information about the content of the instruments. Copies can be obtained from the Louisiana Legislature's website, www.legis.state.la.us Also, it should be noted that the Governor is still considering many of these bills and it is always possible that some may be vetoed.

The Partnership focused its efforts on legislation that may affect children from birth to age five. Because of that focus, we did not take an active role in the education reform efforts related to elementary and secondary schools.

HB 1 – Fannin - This is the budget for the executive departments of state government and provides \$25.6 billion for operation of a full range of government services. The original version of HB 1 is taken from the Governor's budget proposal that included use of one-time (non-recurring) funds. The House removed the one-time funds and directed the administration to make cuts to accommodate their loss. The administration then claimed that programs like Early Steps (services for children from birth to age 3 with developmental delays that could prevent their being successful in school), school health centers, and breast and cervical cancer screening and treatment would be completely eliminated if the cuts were enacted. The Senate then restored the one-time funds and added additional one-time funds to the budget. The House concurred in the Senate version of HB 1.

HB 49 – Abramson – Provides for a comprehensive rewrite of laws related to human trafficking, trafficking of children for sexual purposes and the commercial sexual exploitation of children.

HB 86 – Lopinto - Allows Court Appointed Special Advocate (CASA) programs to request a state and FBI criminal background check for their volunteers but does not require that the requests be combined. It became effective on May 31 (Governor's signature) and addresses a problem that was prohibiting CASA programs from obtaining the required clearances for volunteers.

HB 156 – Simon –Both the Supplemental Nutrition Assistance Program (SNAP, formerly called food stamps) and the Women, Infants and Children Program (WIC) have requirements for the provision of nutrition education. The legislature recognized that a nurturing family affords a child his best opportunity to enjoy lifelong health and well-being, and that any program which promotes better health for children must encourage family strengthening and greater parental involvement in the lives of their children if the program is to fulfill its purpose and calls for coordination between the nutrition education programs for the two federal programs.

HB 166 – Leger – As part of the response to Penn State, this new law establishes that coaches (including but not limited to public technical or vocational school, community college, college, or university coaches, and coaches of intramural or interscholastic athletics) are mandatory reporters for child abuse.

HB 269 – Barrow - Relative to the education of children in foster care, provides that children in foster care are allowed to remain enrolled in the school they were attending at the time of the foster care placement for the duration of the child's stay in the custody of the state.

HB 292 – Pugh – Requires local option elections in local school districts on term limits for school board members.

HB 577 – Lopinto and SB 4 - Morrell – These bills amends present laws relative to the reporting of child abuse. They include provisions that provide for fines and imprisonment for knowing and willful failure to report; remove the provision which requires a mandatory reporter to be performing their occupational duties in order to be considered a mandatory reporter; expand the definition of “teaching or child care provider” to include persons who assist in the teaching, training, and supervision of a child, bus drivers coaches, professors, technical or vocational instructors and school staff, college or university administrators and staff, or any person who provides teaching or child care as a volunteer; and add organizational or youth activity providers to the list of mandatory reporters. They also add a provision requiring reporting to be made to the Department of Children and Family Services through the designated state child protection reporting hotline telephone number.

HB 580 – Abramson – Relative to notices for public meetings, adds additional requirement to post notice on agency website.

HB 600 – Norton and SB 75 - Kostelka – In response to Casey Anthony case, these bills create the crime of failure to report a missing or deceased child. They set time frames for reporting, designates appropriate authorities to receive reports, and establish punishments.

HB 705 – Hoffman – Amends current law relative to the manner and frequency of a school employee having to report electronic communication with a student at the school to permit contact with specifically identified students for specific purposes that may include communication relative to extracurricular, athletic, community-based youth and faith-based activities

HB 707 – Schroder – Amends provisions of the LA Competency-Based Education Program to change "curriculum standards" to “content standards” and to change "criterion-referenced tests" to “standards-based assessments”. Also, makes changes to LEAP testing in third and seventh grades.

HB 759 – Landry, N. – Creates the crime of female genital mutilation.

HB 771 – Foil - Raises age for mandated health insurance coverage of autism spectrum disorders from 17 to 21, eliminates lifetime maximum benefit of \$144,000, and eliminates exception for employer coverage with 50 or fewer employees.

HB 822 – Fannin – This bill provides for the transfer and deposit of monies among state funds and identifies the source of the non-recurring revenues in HB 1.

HB 846 – Simon – Establishes principles for the state mental health system and changes the term “mentally ill person” to “person who is mentally ill”. Includes provision that services for children consider the needs of the entire family in the development of family supports and that children with mental illness receive and participate in appropriate education.

HB 861 – Simon – Provides penalties in lieu of revocation for child care facilities or child-placing agencies which violate terms of licensure or other regulations.

HB 867 – Ortego – Authorizes University Medical Center in Lafayette to enter into a cooperative endeavor with the Lafayette Parish School System to develop a pilot program for coordinated school health and wellness centers in order to provide primary care services to students and their family members.

HB 1016 – Pope – Expands scope of the LA Advisory Council on Child Care and Early Education at the Department of Children and Family Services to include proposed rules, regulations and standards for licensure of Class A and Class B child care centers. Further, provides that such rules and regulations include procedures to allow a child care center to remedy a deficiency immediately during an inspection provided it is not a critical violation of licensing standards. Requires the Council to transmit the minutes of each meeting to the legislative committees on health and welfare.

HB 1058 – Fannin – Appropriates funding for the judicial branch of government; includes state funding for local Court Appointed Special Advocate (CASA) programs.

HB 1088 – Henry – Authorizes the establishment of a targeted coordinated school health program in order to reduce childhood obesity; creates a grant program to assist public schools with implementation. Note: efforts to secure funding for a pilot implementation program were unsuccessful.

HB 1143 – Landry, N. – Relative to meetings of public bodies (other than the Legislature) provides that a meeting agenda cannot be changed less than 24 hours prior to the meeting; requires each item on the agenda to be listed separately and described with reasonable specificity; and provides that before the

public body may take any action on an item, the presiding officer or his designee shall read aloud the description of the item.

HB 1194 – Barrow – Authorizes the Board of Elementary and Secondary Education to create a “Distinction for Community Service” diploma endorsement program for high school students who perform community service.

HB 1201- Moreno – Expands the list of offenses that would prohibit persons who are convicted from owning, operating or participating in the governance of child care facilities and family child day care homes.

SB 59 – Morrell – Creates crime of utilizing or permitting the presence of a juvenile in drug trafficking.

SB 88 – Buffington – Specific to reports related to rulemaking, requires state agencies to provide notice upon submission of the reports to the legislature electronically on a webpage.

SB 104 – Nevers – Current law provides for a statewide common course numbering system to be established to facilitate the transfer of students and course credits between and among secondary and postsecondary educational institutions. This new law amends the implementation requirements and timelines. This is important for the redesign of early childhood programs as it facilitates articulation for persons seeking training and eliminates roadblocks for counting coursework at one level toward degree requirements at higher levels.

SB 119 – Morrell – Provides for the administration of auto-injectable epinephrine at school under a standing protocol from a physician; requires the governing authority of each school to adopt a policy authorizing a school nurse to administer the drug to a student having an anaphylactic reaction whether or not such student has a prescription for epinephrine. Requires that at least one employee at each school receive training from a registered nurse or a licensed physician in the administration of auto-injectable epinephrine and authorizes schools to maintain a supply of epinephrine in a locked, secure, but easily accessible location. Further, allows a physician to prescribe the drug in the name of the school system or individual school.

SB 152 – Broome – Substantial amendments to Children’s Code relative to Child in Need of Care hearings; provides for when the child shall be present and addresses his testimony; addresses purpose and content of the case plan for transitioning to placement, addresses termination of parental rights; and addresses adoption provision.

SB 153 – Broome – Revisions to statutes relative to relocation of the residence of a child.

SB 155 – LaFleur – Present law requires that each LA 4 class include a full program of not less than 10 hours per day that includes early childhood education during normal school hours and high quality enrichment activities before and after school but authorizes the Board of Elementary and Secondary Education to grant waivers for the enrichment requirement if the school system shows it is not possible or financially feasible to provide them. This new law transfers the authority to grant such waivers to the Department of Education. Present law also requires applicants requesting a waiver to provide plans for meeting the enrichment requirement by no later than the beginning of the third year of operation. This new law deletes that provision.

SB 156 – Murray – Provides for an academic plan, including use of a research-based diagnostic for children in the custody of the Department of Public Safety and Corrections.

SB 158 – Morrell – Provides whistleblower protection for employees who report the sexual abuse of minors.

SB 200 – Morrell – Requires the Department of Environmental Quality to conduct inspections of child-occupied facilities (licensed day care center, preschool, or public or non-public elementary school) and their grounds for the presence of lead hazards.

SB 201 – Morrell – Requires all state and local agencies engaged in lead hazard reduction activities to publish on their Internet website the lead hazard or clearance standards related to the activities performed and that such standards must match minimum lead levels and that those levels follow federal requirements.

SB 211 – Morrell – Requires the Department of Environmental Quality to notify the Board of Elementary and Secondary Education and the Dept. of Children and Family Services about lead hazards, lead abatement activities, or any lead testing performed which exceeds applicable standards in any licensed day care center, preschool, or public or non-public elementary school facility first placed into operation after August 1, 2012. Provides for notice to parents and involvement of state health officer.

SB 235 – Mills – This new law authorizes all parish and municipal entities to identify funds received from any source other than the state and to consult with The Department of Health and Hospitals in an effort to maximize revenues for both the department and the parish and municipal entities. This could lead to use of local revenues as match for programs such as Medicaid.

SB 261 – Nevers – Amends Children’s Codes and statutes related to care, custody and control of children, including visitation rights for grandparents, other relatives and stepparents/stepgrandparents.

SB 309 – Donahue – Provides relative to school improvement plans and requires trend data profiles to be provided to the governing authorities of public schools.

SB 461 – Walsworth – Requires the Board of Elementary and Secondary Education to adopt rules to implement current statute that prohibits any parish or city school board from adopting a system wide pupil-classroom-teacher ratio in kindergarten through grade three in excess of 20 pupils to one classroom teacher and allows for limited waivers. Further, requires Department of Education to report to the joint legislative committees on Education, no later than September 1 of each year, on each waiver request and its disposition.

SB 467 – Broome – Amends Children’s Code relative to determination of family in need of services; adds that allegations must include whether the child is under the supervision of any state or local entity; and requires referring entities to use all available and appropriate resources before filing a complaint.

SB 481 – Perry – Rewrites the law relative to protection of victim privacy when evidence pertains to child pornography, video voyeurism or obscenity; requires evidence to remain in the care, custody and control of the court or district attorney; allows defendant and his representatives to view evidence but prevents reproduction of such evidence.

SB 563 – White – Creates and provides for the Southeast Baton Rouge Community School Board in East Baton Rouge. This bill is a companion to a bill authorizing a constitutional amendment that failed to pass. Since the issue will not be presented to voters, this bill has no effect.

SB 581 – Appel – This new law (Act 3 of the 2012 Session) creates a comprehensive and integrated network through which to manage and oversee all programs funded through state or federal resources that provide early childhood care or educational services. It requires the Board of Elementary and Secondary Education to define kindergarten readiness; establish performance targets for children under three and academic standards for three- and four-year olds; create a uniform assessment and accountability system that includes a letter grade indicative of student performance; coordinate with the Department of Children and Family Services and the Department of Health and Hospitals to align standards for licensing and the LA Quality Start Child Care Rating System with the standards; and establish a timeline for the creation and implementation of the network to be fully implemented by the beginning of the 2015-2016 school year. It also requires review of plans by Louisiana’s Early Childhood Advisory Council (BrightStart), the Child Care Association of LA, and the nonpublic school commission. Further, requires a written report to each member of the legislature on the status of development by March 1, 2013.

SB 623 – LaFleur – Amends present law relative to right of privacy for juvenile victims of certain sex crimes to include obscenity, misdemeanor carnal

knowledge of a juvenile and all offenses that require sex offender registration and notification.

SB 629 – Johns – This new law requires the Department of Health and Hospitals to submit a report, beginning January 1, 2013 and annually thereafter, concerning the LA Medicaid Bayou Health program and the LA Behavioral Health Partnership and Coordinated System of Care programs to the Senate and House committees on health and welfare. Further, spells out a list of 22 items that the report must cover including such things as the number of healthcare providers in each network broken down by provider type and specialty; percentage of primary care practices that provide verified continuous phone access; percentage of clean claims paid within 30 calendar days; the number of members who chose the network vs. number that were auto-enrolled; Medical Loss Ratio for each network; a comparison of health outcomes; audits for each provider; member and provider satisfaction survey reports; total savings to the state for each shared savings coordinated care network; brief narrative of any sanctions; information on grievances filed; detail on inpatient hospital days; and claims for emergency services. **NOTE: Governor Jindal vetoed this legislation. The veto message can be found at <http://gov.louisiana.gov/index.cfm?md=newsroom&tmp=detail&articleID=3466>**

SB 685 – Long - Requires a teacher to schedule at least two parent-teacher conferences during the first semester of each school year and requires that at least one parent or guardian attend or participate in at least one of the scheduled conferences. Requires the governing authority of each secondary school to adopt rules relative to the failure of the parent or guardian of the child to attend at least one scheduled parent-teacher conference but prohibits any negative action against a child as a result of the failure of a parent to attend a conference.

SB 759 – Nevers – This new law provides for the care of students with diabetes enrolled in all public and nonpublic schools beginning with the 2012-2013 school year. It requires each student with diabetes to submit a diabetes management and treatment plan; allows the school nurse or unlicensed diabetes care assistant (school employee who volunteers to be trained) to provide care and assist with self-care with parent approval; provides for training for unlicensed care assistant; requires a school to permit a student to attend to self-management in accordance with his plan; and limits liability for activities authorized by the law.

SB 764 – Ward – This new law addresses discipline of students in public schools relative to bullying. It defines bullying, describes ways to report, sets timelines for school administration to respond, requires anti-bullying training, allows parents to move a child to another school, and requires reporting by school employees.

This section includes legislative resolutions that provide information on areas of interest for lawmakers and indicates potential future legislation. Resolutions are not subject to gubernatorial veto.

HCR 5 – Schroder – Continues the Task Force on Legal Representation in Child Protection Cases.

HCR 52 – Jackson, K – Requests the study of the feasibility of establishing a breast milk bank in Northeast LA.

HCR 84 – Jackson, K – Requests the Department of Health and Hospitals and the LA Hospital Association to promote and encourage all hospitals and clinics that receive state dollars to promote the “Text4baby” initiative.

HCR 106 – Hoffman – Requests the Board of Elementary and Secondary Education to provide for the inclusion of “read alouds” in early childhood education programs.

HCR 129 – Leger – Requests the LA Supreme Court, the Department of Children and Family Services, the Department of Health and Hospitals, the Department of Education, the Governor’s Children’s Cabinet, and the Office of Juvenile Justice implement the recommendations related to the informal Families in Need of Services process made by the Families in Need of Services Commission in its report issued Feb. 10, 2012; requires the enumerated entities report to the legislature and the Juvenile Justice Reform Act Implementation Commission on the accomplishments and status of implementation of the recommendations no later than March 1, 2013.

HCR 161 – Hoffman – Requests a study of prospective changes to LA statutes and policies that could reduce the incidence of fetal exposure to controlled dangerous substances and alcohol.

HCR 193 – Barrow – Requests the Child Poverty Prevention Council for LA to study recent increases in the state’s child poverty rate and report its finding to the committees on Health and Welfare by October 1, 2012.

HCR 145 – Landry, N - Requests the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs to meet and function as a joint committee to study issues relative to meetings of public bodies, particularly requirements regarding public comment at meetings, vote requirements for a public body to go into executive session or take up a matter not on the agenda, and the creation of committees and subcommittees by public bodies.

HR 175 – Barrow – Requests the state superintendent of education or the Board of Elementary and Secondary Education to report electronically, every 60 days, to each member of the legislature on the status of implementation of certain education reform measures related to charter schools.

SCR 15 – Morrell – Requests the Department of Health and Hospitals to promote the Early Steps program with the LA Hospital Association, the LA State Medical Society and the Optometry Association of LA.

SCR 99 – Appel – The Minimum Foundation Program (MFP) provides funding for over 679,000 students at a cost of \$3.422 billion. The formula include kindergarten but does not include funding for LA 4. The formula resolution is drafted by the Board of Elementary Education and sent to the Legislature for an up or down vote. This year, the MFP resolution contains funding for the initiatives related to teacher evaluation and scholarships/vouchers that were enacted as part of the governor’s education reform initiative. It also contains funding to provide college assistance for students that graduate from high school early. During the last week of the session, the House amended the resolution to return it to the Board of Elementary and Secondary Education to delete the college assistance citing no legislative authorization for the program. The Senate refused to concur and sent the resolution to a Conference Committee that deleted the House amendments. The Senate approved the Conference report by a vote of 25-15 and the House, by a vote of 51-49 with the Speaker ruling that the resolution only required a majority of those present and voting versus the 53 votes required to pass a statute. The Louisiana Federation of Teachers has filed suit against the state to block implementation of a number of the reforms related to scholarships/vouchers and teacher evaluation and a challenge to the House final vote on the resolution will likely be part of that effort.

SCR 111 – Heitmeier – Directs the Department of Health and Hospitals to submit a report, by February 1, 2013, to the legislature that addresses the issue of raising Louisiana’s health ranking as determined by the United Health Foundation’s “America’s Health Rankings.”

SCR 122 – Mills – Requests the Board of Elementary and Secondary Education to make recommendations relative to the consideration of family involvement or use of family involvement data in measuring school performance and educator effectiveness.

SCR 128 – Donahue – Provides funding for the 2011-2012 state fiscal year budget deficit from the Budget Stabilization Fund (Rainy Day Fund) in order to avoid \$205 million in additional cuts before June 30, 2012.

SR 29 – Broome – Recognizes the importance of proper infant nutrition and the creation of outreach nutritional and health screening programs; speaks to the importance of breastfeeding but provides a positive statement about artificial milk products for infants.

SR 110, SR 142, and SR 159 – Morrell – Establishes a commission to study the licensure and regulation of applied behavior analysts (for the treatment of autism spectrum disorders) and amends the membership in the second and third resolutions.

SR 146 – Peterson – Requests the Department of Education and the Board of Elementary and Secondary Education to conduct a survey or study to determine school compliance with state law regarding vending machines and physical activity.

SR 172 – Smith, J – Requests the Select Committee on Women and Children to study the issues and state jurisdiction of certain child-on-child offenses occurring on federal military bases.