Act 409 (Charlie's Law)

Policy Brief & Risk Analysis

December 2025

Overview and Purpose

Act 409 from the 2025 Regular Session, known as Charlie's Law, introduces comprehensive changes to child welfare and safety regulations in Louisiana, focusing on protecting children from abuse and neglect. The law makes significant modifications to how child abuse and neglect are reported, investigated, and documented, particularly in all schools (K-12 and early learning).

Act 409 aims to prevent individuals with substantiated findings of child abuse or neglect from working in any setting responsible for children, from public schools to early learning centers to juvenile facilities. The law addresses systemic failures that allowed individuals named in Louisiana Department of Children & Family Services (DCFS) investigations (but not those who have been criminally convicted) to continue working in classrooms, child care centers, or youth-serving institutions. It also closes those gaps by enforcing stronger background screenings, safety standards, and mandatory reporting compliance. Act 409 complements ongoing reforms in Louisiana's child protection legal framework, aligning school, child care, and juvenile systems under a unified safety standard designed to prevent harm before it occurs.

Nonpublic Pre-Kindergarten Licensure Implications under Act 409

Act 409 introduces new complexity for nonpublic schools with pre-kindergarten programs, as it removes their longstanding licensure exemption under R.S. 17:407.35.

Act 409 effectively removes the licensure exemption previously afforded to nonpublic schools operating pre-kindergarten programs under R.S. 17:407.35, while retaining the exemption for public schools. Historically, these programs were not required to obtain an early learning center license, as long as they operated under the authority of a non-public school recognized by the Louisiana Department of Education (LDOE) and adhered to minimum health and safety requirements.

However, Act 409 extends minimum child safety and welfare standards and mandatory background check provisions, which were originally applicable to licensed early learning centers, to all pre-kindergarten programs, including those housed within nonpublic schools. In doing so, the Act removes the explicit exemption for nonpublic pre-K programs, thereby requiring them to meet licensure or equivalent regulatory standards.

Without conforming amendments to R.S. 17:407.33 and R.S. 17:407.36 or related BESE Bulletins, implementation could result in inconsistent oversight across districts and providers.

Other Key Provisions of Act 409 Impacting Early Childhood Education

1. **Mandatory central registry checks:** Louisiana maintains a State Repository and a State Central Registry (SCR). The State Repository is a repository of all child abuse and/or neglect reports. The SCR is a listing of perpetrators of specific valid child abuse/neglect investigations, as determined by the Tiered Validity System. The Louisiana Administrative Code (LAC) and Louisiana's Children's Code govern the information contained in the Repository and State Central Registry, as well as the information that DCFS can release. Act 409:

    - Bars ownership of, employment by, or volunteer service at an early learning, child care, or pre-kindergarten program for anyone listed on the DCFS State Central Registry for substantiated abuse/neglect.

    - Applies to schools, early learning centers, juvenile facilities, residential programs, and in-home child care providers.

    - Requires termination if an employee is added to the registry after August 1, 2018.

    - Exempts school employees from the $25 fee DCFS collects for registry searches related to criminal background checks for hiring.

    - Adds the following offenses that would prohibit employment at a school, early learning center, or other positions that include supervision of children: human trafficking offenses and sexual battery of persons with infirmities.

2. **Minimum Child Safety & Welfare Standards:** The Act establishes minimum child safety and welfare standards for Type III child care providers and for all public, nonpublic, and charter school pre-kindergarten programs, and child care centers of all license types, and establishes new minimum standards to comply with the following:

    - Two adults are required when more than four children are present at any facility. An average child-to-staff ratio may be applied to mixed-age groups of children, provided that the groups include no children under age 2. When a mixed-age group includes children younger than 2 years old, the age of the youngest child determines the child-to-staff ratio for the group.

    - Child-to-staff ratios shall not exceed the following:
        i. Infants and under one year - 5 to 1
        ii. One year - 7 to 1
        iii. Two years - 10 to 1
        iv. Three years - 13 to 1
        v. Four years - 15 to 1
        vi. Five years - 19 to 1

    - Children must be supervised at all times, including on the playground, field trips, and non-vehicular excursions. Children may not be left alone in any room, outdoors, or vehicle, even momentarily, without staff present. A staff person shall supervise specific children whose names and whereabouts the staff person shall know and with whom the staff person shall be physically present. Staff shall be able to state how many children are in their care at all times.

- For restroom use:
    i. A developmentally able child may be permitted to use the restroom independently if a staff member is nearby and can see the child to ensure immediate intervention in the event of harm or to assist with an accident while in the restroom.
    ii. An individual who is not a staff member may not enter the restroom area while it is in use by a child other than their own child.
    iii. A child aged 5 and older may be permitted to go to and return from the restroom independently without staff supervision.
    iv. If a pre-kindergarten program or early learning center is part of a school with children in kindergarten or older, staff shall ensure that the children enrolled in the pre-kindergarten program or early learning center are not unsupervised in the restroom at the same time as any older children who are using the restroom. For any facility constructed after January 1, 2026, separate restrooms shall be designated for the children enrolled in the pre-kindergarten program or early learning center.

3. Child Abuse and Neglect Reporting and Investigations:

- While existing law requires teachers or child care providers to complete an annual online mandatory reporter training course and share the course completion with their employing K-12 school or early learning center, the Act now requires all K-12 schools and early learning centers to annually report all employees who have and have not completed the mandatory reporter training to the LDOE beginning with the 2026-27 school year.

- The Act updates the definition of "teaching or child care provider" under mandatory reporters to include an employee or such operator of an early learning center as defined by R.S. 17:407.33 or an operator or employee of a registered family child day care home.[1]

- The Act now includes foster parents, group home or other institutional child care staff members, or personnel of residential home facilities, probation officers, and employees of the office of juvenile justice or DCFS, whose duties include supervisory or disciplinary authority over children, as mandatory reporters of abuse or neglect per the Children's Code to match state statute.

- The Act updates existing law to require mandatory reporters to immediately report suspected child abuse or neglect to DCFS if the reporter has reason to believe that the perpetrator is any of the following:
    i. A person living in the same residence as the child, or any residence of the child, if the child has more than one residence.
    ii. An employee or an operator of an early learning center, as defined in R.S. 17:407.33.
    iii. An operator or employee of a registered family child day care home.
    iv. Another child residing in the same residence for cases of suspected sexual abuse.

[1] La. R.S. 17:407.33 defines "early learning center" as "any child day care center, Early Head Start Center, Head Start Center, or stand-alone prekindergarten program not attached to a school."

v. Indeterminable by the mandatory reporter, but the reporter suspects that the abuse occurred at the child's residence.

- The Act further requires a mandatory reporter to immediately report suspected child abuse or neglect to a local or state law enforcement agency within 24 hours by telephone if the reporter has reason to believe that the perpetrator is a teacher, instructor, administrator, staff person, school bus driver, teacher aide, paraprofessional, food service worker, or employee of any public or private elementary, secondary vocational-technical training, special, or postsecondary school, city, parish, or other local public school board, if the abuse or neglect is perpetrated on a student, or another child who does not reside in the same residence for cases of suspected sexual abuse.

- The Act clarifies dual reporting by requiring the agency that receives the report to be the agency responsible for accepting and acting on it.

- All instances of alleged child abuse that occur in a school setting shall be immediately reported to the child's parent ot legal guardian and to local or state law enforcement, regardless of the alleged perpetrator. If more than one child is involved in the allegations, the school shall immediately notify the parents or legal guardians of all involved children. Law enforcement shall investigate the allegations within forty-eight hours of receiving the report.

- Any sexual abuse cases in which the alleged perpetrator is a child shall be referred to the Department of Children and Family Services. The department shall assess the family of the child victim and the suspected child perpetrator to ensure child safety and well-being in accordance with Children's Code Article 612(A)(3).

4. Liability for Sexual Abuse in a School Setting: Any parent or guardian of a child who is the victim of sexual abuse in a school setting as defined in Children's Code Article 610 may be awarded damages including but not limited to medical expenses incurred as a result of the sexual abuse, behavioral health expenses incurred as a result of the sexual abuse, reimbursement of any tuition paid for attendance at the school if the child is removed from the school, and any other damages allowed by law.

Implementation Timeline

Mandate	Deadline
Registry-based employment bans begin	August 1, 2025
Pre-K safety standards in place	October 1, 2025
Pre-K licensure as early learning centers	January 1, 2026
Mandatory reporter training compliance	2026–27 academic calendar

Potential Issues & Risks

1. **Workforce Disruption & Shortages**
   The short timeframe for implementing new child-to-staff ratios may exacerbate shortages in certain child care and pre-kindergarten programs, particularly in rural and under-resourced areas.

   Risk: Programs may close or reduce capacity if they are unable to meet the required staffing ratios.

2. **Due Process & Appeals**
   The law relies heavily on DCFS substantiations — not just criminal convictions — to determine employability. While this strengthens prevention, it may raise serious questions about fairness. The current DCFS appeals process is complex and time-consuming, which can lead to wrongful termination or legal disputes.

   Implementation concern: The law must protect children expeditiously without violating workers' rights.

3. **Financial Burden on Child Care Providers and Nonpublic Schools**
   Act 409 imposes new systems, documentation, ratios, and training requirements on certain types of schools and child care programs — but does not allocate state funds to pay for implementation. Providers may need technical assistance, legal guidance, and grant support.

4. **Potential Uneven Enforcement Across Agencies**
   Act 409 relies on multiple state entities — DCFS, LDOE, BESE, law enforcement, and school systems — to consistently interpret and enforce the law. Historically, these systems have not always communicated effectively.
   - Potential for delayed registry updates, leading to improper hiring or wrongful dismissal.
   - Schools or centers may interpret requirements differently, creating unequal protection based on geography or system capacity.
   - There is a lack of clear protocols for how agencies communicate when allegations arise.

     Advocacy Watch: An interagency oversight committee or reporting dashboard to track implementation could be beneficial.

5. **Legal Liability Expanded**

Act 409 creates new accountability pathways and legal exposure for institutions by enabling civil damages for abuse in school settings (Civil Code 2315.12).

- Schools and centers may over-report or terminate staff preemptively to avoid lawsuits.
- Insurance costs for small providers may rise significantly.
- Child-serving nonprofits may fear litigation and reduce programming.

Act 409 marks a significant commitment to child safety reforms. It is a decisive move toward preventing harm before it happens, ensuring that individuals with documented histories of abuse or neglect can no longer quietly move through systems that serve children. However, the passage of this law is only the first step — its impact will depend entirely on how well it is implemented.

Act 409 also introduces complex challenges, including workforce disruptions, appeals and due process questions, potential funding needs, and enforcement disparities. Left unaddressed, these issues could undermine the protections the law aims to strengthen while creating ambiguity in the existing statute.