

Current Policy

Title 28 EDUCATION

Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network

Chapter 1. General Provisions

§101. Purpose

A. The purpose of this bulletin is to establish the duties and responsibilities of the early childhood care and education network, local community networks and community network lead agencies, define kindergarten readiness, and create a uniform assessment and accountability system for publicly-funded early childhood care and education sites and community networks that includes a performance profile indicative of performance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2580 (December 2015).

§103. Definitions

8(g) *Program*—the Student Enhancement Block Grant Program administered by the Board of Elementary and Secondary Education that provides funding through the Louisiana education quality start fund that may be used to serve at-risk PreK children.

Assessment—see early childhood care and education assessment.

At-Risk—children are considered at-risk if their family income is at or below 185 percent of the federal poverty level according to the United States Department of Agriculture, or if they are in foster care, or they are English language learners, or they are experiencing homelessness, or they meet the definition of an “infant or toddler with a disability” found in 34 CFR §303.21 for children ages birth to three years or a “child with a disability” found in 34 CFR §300.8 for children ages 3 and older.

BESE—Board of Elementary and Secondary Education.

Caregiver—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.

CCAP—Child Care Assistance Program.

Child Care Assistance Program (CCAP)—federal program administered by the Louisiana Department of Education that makes payments to child care providers for child care services provided to eligible families.

CLASS[®]—Classroom Assessment Scoring System.

Classroom—see early childhood care and education classroom.

Classroom Assessment Scoring System (CLASS)[®]—a classroom observation-based system used to assess and rate classroom quality across multiple areas using a scale of one to seven.

Community Network Coverage Area—the geographic area of a community network, which typically is the same geographical area as the local school district or school districts, but may be other coverage areas, as determined by the community network and approved by the department.

Coverage Area—see *community network coverage area*.

Department—Louisiana Department of Education.

Early Childhood Care and Education Assessment (Assessment)—observation-based process used to determine whether children ages birth to five years are growing and developing across all the areas of development and learning provided in *Bulletin 136—The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years*.

Early Childhood Care and Education Classroom (Classroom)—an infant, toddler or PreK classroom.

Early Childhood Care and Education Performance Profile (Performance Profile)—information regarding performance in preparing children for kindergarten that is reported each school year for each publicly-funded site and community network composed of the site or community network’s performance rating and informational metrics.

Early Childhood Care and Education Performance Rating (Performance Rating)—measure of performance in preparing children for kindergarten that is reported each school year for each publicly-funded site and community network.

Early Childhood Care and Education Program (Program)—an early learning center-based or school-based organization that is providing early childhood care and education to children ages birth to five years who have not yet entered kindergarten.

Early Childhood Care and Education Site (Site)—a distinct early learning center-based or school-based location that is providing early childhood care and education to children ages birth to five years who have not yet entered kindergarten.

Early Learning Center—any child day care center, early Head Start, Head Start, or stand-alone prekindergarten program that is not attached to a school.

EarlySteps Program—program administered by the Louisiana Department of Health and Hospitals that provides early intervention services for infants and toddlers with disabilities ages birth to three years and their families according to the requirements of the Individuals with Disabilities Education Act (IDEA), part C.

Equitable Access—the point at which every family who wishes to enroll their at-risk child in a publicly-funded program is able to do so.

Fall Observation Period—observation period between August 1 and December 15 of each year.

Fiscal Year—July 1-June 30.

Full Day—at least 6 continuous hours per day or more than 20 hours per week of care and instruction aligned with a typical school day.

Head Start and Early Head Start Programs—federally-funded early childhood care and education programs that promote and teach school readiness to children ages birth to five from low-income families and provide services in the areas of education, social services for families, nutrition, family engagement, health and mental health, as well as providing the physical plant and instructional staff members for such purposes (42 USC 9801 et seq., 45 CFR part 1300).

Individuals with Disabilities Education Act (IDEA), Part B—federal program administered by the Louisiana Department of Education that provides education funding for children with disabilities, ages 3 through 21.

Individuals with Disabilities Education Act (IDEA), Part C—federal program administered by the Louisiana Department of Health and Hospitals that provides early intervention services for infants and toddlers with disabilities ages birth to three years and their families to meet the developmental needs as identified by the individualized family services plan. See *EarlySteps Program*.

Infant—a child who has not yet reached 15 months of age.

Infant Classroom—a classroom in which the majority of children are infants.

Informational Metric—measure of early childhood care and education best practices at the site or community network level.

LA 4 Program—the Cecil J. Picard LA 4 Early Childhood Program that provides funding for PreK classrooms for four-year-old children who are eligible to enter kindergarten the following school year.

Lead Teacher—the early childhood care and education classroom teacher that is primarily responsible for the classroom and is required to meet the certification requirements in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*.

Learning Year—the 2015-2016 school year shall be a learning year for the early childhood care and education network.

Nonpublic School Early Childhood Development Program (NSECD)—Louisiana program administered by the Department of Education that provides funding for four-year-old preschool in BESE-approved nonpublic schools and type III early learning centers.

Notice—written notice is considered given:

1. when it is sent by email or fax to the last email address or fax number furnished to the department;
2. when it is hand-delivered; or
3. on the fifth calendar day after it was mailed to the last mailing address furnished to the department.

NSECD—nonpublic school early childhood development program.

Performance Profile—see *early childhood care and education performance profile*.

Performance Rating—see *early childhood care and education performance rating*.

PreK—prekindergarten.

PreK Child—a child age 36 months to 5 years who has not yet entered kindergarten.

PreK Classroom—a classroom in which the majority of children are PreK children.

Program—see *early childhood care and education program*.

Publicly-Funded Children—children ages birth to five years who have not yet entered kindergarten that are being served full day with funds from either CCAP, Early Head Start, Head Start, LA 4 Program, NSECD, 8(g) block grant, title 1 of ESEA, or IDEA part B in a full day setting.

Publicly-Funded Classroom—see *publicly-funded early childhood care and education classroom*.

Publicly-Funded Early Childhood Care and Education Classroom—any infant, toddler or PreK classroom that includes a publicly-funded child or children.

Publicly-Funded Early Childhood Care and Education Program—an early learning center-based or school-based organization that is providing early childhood care and education to children ages birth to five years who have not yet entered kindergarten with funds from either CCAP, Early Head Start, Head Start, NSECD, LA 4 Program, 8(g) block grant, title 1 of ESEA or IDEA part B, or that is authorized to receive CCAP, or that participates in the quality start child care rating system.

Publicly-Funded Early Childhood Care and Education Site—a distinct early learning center-based or school-based location that is providing early childhood care and education to children ages birth to five years who have not yet entered kindergarten in a full-day setting with funds from either CCAP, Early Head Start, Head Start, NSECD, LA 4 Program, 8(g) block grant, title 1 of ESEA or IDEA part B, or that is authorized to receive CCAP, or that participates in the quality start child care rating system.

Publicly-Funded Program—see *publicly-funded early childhood care and education program*.

Publicly-Funded Site—see *publicly-funded early childhood care and education site*.

Site—see *early childhood care and education site*.

Spring Observation Period—observation period between January 1 and May 15 of each school year.

State Superintendent—state superintendent of education.

Title I—title I of the Elementary and Secondary Education Act (ESEA) that provides funding that may be used for preschool programs for disadvantaged children.

Third-Party Independent Contractor (Third-Party Contractor)—contractor that is separate from and independent of the lead agency and the community network with whom the department enters into a contract to perform CLASS® observations on behalf of the department.

Toddler—a child age 15 months to 36 months.

Toddler Classroom—a classroom in which the majority of children are toddlers.

Type III Early Learning Center—an early learning center that directly or indirectly receives state or federal funds from any source other than the federal food and nutrition programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.23 and R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2580 (December 2015).

§313. Academic Approval for Type III Early Learning Centers

A. All type III early learning centers shall meet the performance and academic standards of the early childhood care and education network regarding kindergarten readiness as provided in R.S. 17:407.36(C).

B. Type III early learning centers meeting the performance and academic standards shall receive academic approval from the department. Academic approval is verification by the department that the center is meeting the required performance and academic standards.

C. Initial Academic Approval for 2015-2016 Fiscal Year

1. Existing Type III Early Learning Centers

a. Academic approval shall be granted for the 2015-2016 fiscal year to any existing type III early learning center that has submitted a signed copy of program partner profile and assurances (assurances) to the lead agency of the community network in its area, and is thereby agreeing to:

- i. membership in the community network;
- ii. participation in the early childhood care and education accountability system, as provided in Chapter 5; and
- iii. participation in the coordinated enrollment process, as provided in Chapter 7.

b. The community network shall submit copies of Assurances signed by type III early learning centers to the department within seven calendar days of receiving them or prior to July 1, 2015, whichever is earlier.

c. The department shall send written notice of academic approval to each type III early learning center that has submitted signed assurances to its community network in compliance with Subparagraph C.1.a of this Subsection by July 1, 2015.

2. Applicants for New Type III Early Learning Center Licenses

a. In order to obtain the initial academic approval required to be licensed as a type III early learning center, an applicant for a type III early learning center license must become a member of the community network in its coverage area and submit a signed copy of the program partner profile and assurances (assurances) to the lead agency of the community network thereby agreeing to:

- i. membership in the community network;
- ii. participation in the early childhood care and education accountability system, as provided in Chapter 5; and
- iii. participation in the coordinated enrollment process, as provided in Chapter 7.

b. The department shall send written notice of academic approval to each type III early learning center that has submitted signed assurances to its community network in compliance with Subparagraph C.2.a of this Section within 30 days of receipt of the signed assurances.

D. Academic approval shall be valid for the fiscal year, July 1-June 30, for which it is granted.

E. Academic approval is granted to a specific owner and a specific location and is not transferable. If a type III early learning center changes owners or location, it is considered a new operation, and academic approval for the new owner or location must be obtained prior to beginning operations under new ownership or at the new location.

F. Upon a change of ownership or change of location, the academic approval granted to the original owner or at the original location becomes null and void.

G. Renewal

1. Prior to July 1 of each year, the department shall send notice to each type III early learning center that has academic approval providing one of the following:

- a. renewal of academic approval for the center;
- b. notice of the center's failure to comply with specific requirements in Subsection A and specific corrective actions that must be taken by a specified date in order for academic approval to be renewed; or
- c. if an early learning center has received the notice outlined in Subparagraph H.2.a of this Section within the academic year and the center has not provided the required certifications and completed the stated corrective actions, the department may terminate the center's academic approval as provided in Subparagraph H.2.c of this Section and send notice of termination of the center's academic approval.

H. Termination of Academic Approval

1. The department may terminate academic approval for:

a. violations of any provisions of this bulletin related to the performance and academic standards of the early childhood care and education network;

- b. failure to timely comply with a corrective action plan provided by the department; or
- c. any act of fraud, such as the submission of false or altered documents or information.

2. Notice

a. If a type III early learning center is in violation of any provision in Subsection A of this Section, the department shall notify the center in writing and may specify any corrective actions that shall be required to retain academic approval.

b. Within 30 calendar days of receiving such notice, the center shall submit certification in writing to the department that the corrective actions have been taken or are in the process of being taken in compliance with the schedule provided and certification that the center will remain in compliance with all applicable regulations.

c. If the type III early learning center does not respond in a timely or satisfactory manner or adhere to the implementation schedule for required corrective actions, the department may terminate the center's academic approval by sending written notice of termination to the center.

d. Termination of the center's academic approval shall be effective when notice of termination is given.

I. Appeal Procedure

1. BESE shall have the authority to grant an appeal of the termination of a type III early learning center's academic approval.

2. The appeal procedure shall be used when needed to address unforeseen and aberrant factors impacting type III early learning centers or when needed to address issues that arise when the literal application of the academic approval regulations does not consider certain unforeseen and unusual circumstances.

3. A type III early learning center may request an appeal of the termination of its academic approval by submitting a written request for an appeal to the department within 15 calendar days of being given notice of termination of its academic approval.

4. All appeal requests shall clearly state the specific reasons for requesting the appeal and the reasons why the appeal should be granted and shall include any necessary supporting documentation.

5. The department shall review all timely submitted appeal requests and make recommendations to BESE during the first regularly scheduled BESE meeting following receipt of the appeal requests, or during the second regularly scheduled BESE meeting if an appeal request is received within 10 working days of the next regularly scheduled BESE meeting. Within this interval, the department shall notify the center of its recommendation and allow the center to respond in writing. The department's recommendation and the center's response shall be submitted to BESE for final disposition.

6. An early learning center that appeals the termination of its academic approval shall retain its academic approval during the appeal process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.36(C) and R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2584 (December 2015).

§503. Coordinated Observation Plan and Observation Requirements

A. Coordinated observation is the local process by which each community network ensures that every classroom in a publicly-funded site in the community network receives two *CLASS*[®] observations each school year.

B. *CLASS*[®] Observation Requirements

1. A *CLASS*[®] observation is an observation of a classroom using the appropriate toddler or PreK *CLASS*[®] using all domains, typically occurring during the morning, in which a reliable observer conducts four 20-minute cycles of observation and note-taking followed by at least 10 minutes of scoring after each observation cycle.

2. Domains and Dimensions

a. *CLASS*[®] observations for toddler classrooms shall include both toddler *CLASS*[®] domains, which are emotional and behavioral support and engaged support for learning, and all dimensions contained within.

b. *CLASS*[®] observations for PreK classrooms shall include all three PreK *CLASS*[®] domains, which are emotional support, classroom organization, and instructional support, and all dimensions contained within.

3. Required Observations

a. All toddler and PreK classrooms in a publicly-funded site shall receive two *CLASS*[®] observations during the school year conducted by the community network.

b. One observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

c. *CLASS*[®] observations conducted by third-party contractors hired by the department shall not count towards this requirement.

4. Use of Toddler or PreK *CLASS*[®]. Classrooms shall be observed with the same *CLASS*[®] throughout the school year based on the composition of the classroom when the observation plan required in §503.C is submitted according to the following:

a. a classroom that only has infant children or a classroom that has a mix of infant and toddler children in which a majority are infant children shall not be observed;

b. a classroom that has all toddler children or a classroom that has a mix of infant and toddler children in which the majority are toddler children shall be observed with the toddler *CLASS*[®];

c. a classroom that has all PreK children or a classroom that has a mix of toddler and PreK children in which the majority are PreK children shall be observed with the PreK *CLASS*[®].

C. Coordinated Observation Plan

1. Each community network shall submit for department approval no later than September 30 a written annual plan for coordinated observation using *CLASS*[®] that at a minimum includes:

- a. the number of *CLASS*[®] observers who will conduct observations;
- b. the total number and the location of toddler and PreK classrooms that must be observed;
- c. an observation schedule that includes two observations for each toddler and PreK classroom identified in Subparagraph B.3.b of this Section, with one observation scheduled during the fall observation period and one during the spring observation period; and
- d. a plan to ensure reliable data that includes the following requirements:
 - i. all observers are reliable, which is defined as all observers having a certification achieved by completing and passing all trainings and assessments required by Teachstone to conduct a *CLASS*[®] observation with validity and fidelity;
 - ii. all observers maintain inter-rater reliability and fidelity. Inter-rater reliability occurs when two or more observers produce consistent observation results for the same classroom at the same time;
 - iii. the community network conducts inter-rater reliability observation checks for 10 percent of all classrooms observed; and
 - iv. no observer shall conduct an observation in which the observer is an immediate family member, as defined in R.S. 42:1101, of a teacher in the classroom being observed or an immediate family member of an individual who supervises or provides training or technical assistance to a teacher in the classroom being observed or has a direct financial interest in the site where the classroom is being observed.

D. Waiver

1. The state superintendent of education shall have the authority to grant waivers to lead agencies for specific requirements of the coordinated observation plan or observation requirements included in this Chapter, with the exception of Clause C.1.d.iv of this Section.

2. Lead agencies seeking a waiver shall submit a written request the department prior to or at the time of the submission of the coordinated enrollment plan. The request shall cite the specific requirement for which a waiver is being requested and shall clearly state the reasons why the waiver is being requested and why it should be granted. Waiver requests shall include any supporting documentation that substantiates the need for the waiver.

3. The department shall respond in writing to waiver requests within 30 calendar days after receiving the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2586 (December 2015).

§509. Performance Rating Calculations for Publicly-Funded Sites

A. The performance rating for each publicly-funded site shall be based on the average of the domain-level toddler and PreK observation results from the fall and spring observation periods for all toddler and PreK classrooms within the site.

1. BESE may include a weight for improvement beginning with the 2016-2017 school year.

B. Any classroom in a publicly-funded site that does not have the observations required in §503 or does not have all results reported, shall have a score of one assigned to each missing *CLASS*[®] domain score. The score of one for missing or not-reported observation results shall be included in the performance rating calculation for that site and the number of missing or not-reported observation results shall be reported on the performance profile.

1. Lead agencies may have their approval terminated as provided in §309.G for incomplete observations or observation results not reported.

2. Any site or program that has diligently sought observations from the lead agency, including written evidence of such efforts, and that has not been provided such observations, may request of BESE an appeal of its performance rating as described in §521. BESE shall consider diligent efforts and evidence thereof in determining the appeal.

3. Prior to the issuance of the publicly-funded site or community network profiles, the department shall provide to the Advisory Council on Early Childhood Care and Education committee members and to BESE members a list of all publicly funded sites receiving a score of one due to a missing or not-reported *CLASS*[®] domain score and the number of such ones received by each site.

C. The department shall compare the domain-level results from observations of classrooms conducted by the department's third-party contractors to the domain-level results from observations conducted by the community network for each publicly-funded site.

1. In calculating the performance rating, the department shall replace domain-level results from classroom observations conducted by community networks with the domain-level results from observations conducted by the department's third-party contractors for any single domain in which the results differ by more than one point and shall calculate the performance rating using the replaced results.

2. The department shall monitor the domain-level observation results of classroom observations conducted by community networks for each publicly-funded site, including by observer, and domain-level observation results conducted by the department's third-party contractor for each publicly-funded site.

a. For the 2015-2016 learning year, if the observation results conducted by community networks are consistently different by more than one point from observation results conducted by the department's third-party contractors, the department may replace all of the community network's observation results for a publicly-funded site with the results from the department's third-party contractors, including those results that do not differ by at least one point.

b. The department shall review results from the 2015-2016 learning year and recommend policy to BESE for 2016-2017 and beyond.