

Current Policy

**Title 28
EDUCATION**

Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations

Chapter 7. Licensing Process and Procedures

§709. Validity of Licenses

- A. A license shall apply only to the location stated on the license and shall not transfer from one location to another or from one owner to another.
- B. If the location or owner of an early learning center changes, the license becomes null and void.
- C. When a business is sold, discontinued, the operation has moved to a new location, or the license has been revoked, the current license immediately becomes null and void.
- D. A new application shall not be processed if an application or license is currently on file with the Licensing Division for the same location, with the exception of a change of ownership application
- E. Two licenses shall not be issued simultaneously for the same physical address.
- F. All early learning care and education provided at a physical address shall be included under one license.
- G. If an early learning center operates summer and/or holiday camps at the location, such care shall be included under a single license for the location.
- H. All new construction or renovation of a center requires approval from the Office of State Fire Marshal, the Office of Public Health and the Licensing Division prior to occupying the new or renovated space.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39(C) and R.S. 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015.

Chapter 9. Changes Requiring a New License

§905. Change in License Type

- A. Any early learning center holding a type III license that intends to change its license type at any time during the following calendar year shall notify the Licensing Division of its intent to change license type no later than December first of the preceding year.
- B. When a center changes license type, the following information shall be submitted to the Licensing Division prior to the issuance of a new license:
 - 1. written request from the center;
 - 2. full licensure fee; and
 - 3. verification of compliance with current early learning center regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.36 and R.S. 17:407.38-39.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015.

Chapter 13. Denial, Revocation or Non-Renewal of License

§1303. Notice of Denial, Revocation or Refusal to Renew

- A. The Licensing Division shall provide written notice to a center of its reasons for the denial of an application for licensure or the revocation of or refusal to renew a license and of the right to appeal the decision to the Division of Administrative Law (DAL).
- B. The denial, revocation or refusal to renew shall be effective when notice is given.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.44.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015).

§1307. Appeal of Denial, Revocation or Refusal to Renew

- A. A center has 30 calendar days to request an appeal of the denial of its application for licensure and 15 calendar days to request an appeal of the revocation of or the refusal to renew its license.
- B. The Licensing Division must receive a written request for an appeal within 30 calendar days of the center's receipt of notice of the denial of its application and within 15 calendar days of the center's receipt of notice of revocation of or refusal to renew its license.
- C. A center may continue to operate during the appeals process, as provided by the Administrative Procedure Act found at R.S. 49:950 et seq.
- D. A request for an appeal submitted to the Licensing Division shall include:
 - 1. a copy of the written reasons for denial, revocation or refusal to renew; and
 - 2. written identification of specific areas of the decision believed to be erroneous and/or specific reasons the decision is believed to have been reached in error.

E. The Licensing Division shall notify the Division of Administrative Law (DAL) within 10 calendar of receipt of a timely request for an appeal of the denial of an application or the revocation of or refusal to renew a license.

F. The DAL shall hold a hearing no later than 30 calendar days after receipt of such notice, with an administrative ruling provided to the center no later than 15 calendar days from the date of the hearing for revocation or refusal to renew a license, or within 30 calendar days from the date of a hearing for the denial of a license.

G. If the DAL affirms the decision of the Licensing Division, or if the appeal is dismissed, the center shall terminate operations immediately.

H. The Licensing Division shall have the right to seek judicial review of any final decision or order rendered by the DAL in any appeal hearing arising under this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.45.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015).

Chapter 17. Minimum Staffing Requirements and Standards

§1713. Supervision

A. Children shall be supervised at all times in the center, on the playground, on field trips, on non-vehicular excursions, and during all water activities and water play activities.

B. Children shall not be left alone in any room, (except the restroom as indicated in Subsection G of this Section or when being provided services by therapeutic professionals, as defined in §103), outdoors, or in vehicles, even momentarily, without staff present.

C. A staff person shall be assigned to supervise specific children whose names and whereabouts that 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.

D. Individuals who do not serve a purpose related to the care of children or who hinder supervision of children in care shall not be present in the center.

E. While supervising a group of children, staff shall devote their time to supervising the children, meeting the needs of the children, and participating with them in their activities.

F. Staff duties that include cooking, housekeeping or administrative functions shall not interfere with the supervision of children.

G. Restrooms

1. Children who are developmentally able may be permitted to go to the restroom independently at an early learning center, provided that:

a. a staff member is in proximity to the children to ensure immediate intervention to safeguard a child from harm while in the restroom; and

b. individuals who are not staff members may not enter the center restroom area while in use by any child other than their own child.

2. A child age four and older may be permitted to go and return from the restroom without staff.

H. Play Yard. When children are at the play yard, the supervising staff member must be able to summon another adult staff member without leaving the children unsupervised.

I. Water Activities. Staff shall actively supervise children engaged in water activities and shall be able to see all parts of the swimming pool, including the bottom.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:634 (April 2015), effective July 1, 2015, amended LR 41:2107 (October 2015).

§1719. Orientation Training

A. Within seven calendar days of date of hire, and prior to assuming sole responsibility for any children, each staff member shall receive orientation to the policies and practices of the center that at a minimum shall include:

1. child abuse identification and reporting;
2. emergency preparation;
3. licensing regulations; and
4. safe sleep practices.

B. Within 30 calendar days of date of hire, each staff member shall receive orientation to the additional policies and practices of the center that at a minimum shall include:

1. child development;
2. child guidance;
3. learning activities;
4. health and safety;
5. shaken baby prevention; and
6. CPR and first aid, as applicable.

C. All staff members responsible for transporting children shall receive additional orientation training in the following areas prior to assuming their transportation duties:

1. transportation regulations, including the modeling of how to properly conduct a vehicle passenger check and demonstration by staff to director on how to conduct a vehicle passenger check;
2. proper use of child safety restraints required by state law;
3. proper loading, unloading, and tracking of children as required by state law;
4. location of first aid supplies; and
5. emergency procedures for the vehicle, including actions to be taken in the event of accidents or breakdowns.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:635 (April 2015), effective July 1, 2015.

§1721. Continuing Education

A. Early learning centers shall provide opportunities for continuing education of staff members. The center staff of type II and type III centers, excluding foster grandparents, shall obtain a minimum of 12 clock hours of training annually in the topics found in §1719.A and B. The center staff of type I centers, excluding foster grandparents, shall obtain a minimum of 3 clock hours of training annually in the topics found in §1719.A and B. Trainings for all types of centers shall be conducted by trainers approved by the Licensing Division. The Licensing Division shall keep a registry of approved trainers. Beginning July 1, 2015, type I center staff shall obtain a minimum of 6 clock hours of such training annually. Beginning July 1, 2016, type I center staff shall obtain a minimum of 9 clock hours of such training annually. Beginning July 1, 2017, type I center staff shall obtain a minimum of 12 clock hours of such training annually.

B. These hours are in addition to the 3 hours required for health and safety in the *Louisiana Sanitary Code*, found at LAC 51:XXI.301.A.9.

C. Copies of certificates of completion or attendance records shall be maintained at the center and available for inspection by the Licensing Division upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015).

Chapter 19. Minimum Health, Safety, and Environment Requirements and Standards

§1901. General Safety Requirements

A. Telephones and Emergency Numbers

1. A working phone capable of incoming and outgoing calls shall be readily available at the center at all times. Cellular phones are not acceptable for this purpose.

2. When a center has multiple buildings and a phone is not located in each building where children are present, the center shall establish and follow written procedures for securing emergency help. The written procedures shall be posted in each building.

3. Centers located in schools and churches shall have a phone within the licensed area.

4. Appropriate emergency numbers, including but not limited to numbers for the fire and police departments, nearby hospitals and medical centers, Louisiana Poison Control and Child Protective Services, and the physical address of the center, shall be prominently posted on or near each phone.

B. Physical Separation. An early learning center, except one located in a church or school, shall be physically separated from any other business or enterprise, thereby preventing unauthorized access to children in care.

C. Lighting. Areas used by children shall be lighted in such a way as to allow visual supervision of the children at all times.

D. End-of-Day Check. The entire center and play yard shall be checked after the last child departs to ensure that no child is left at the center and this check shall be documented. Documentation shall include date, time of visual check, and signature of the staff conducting the visual check.

E. Sex Offender Registry. An early learning center shall register with the Louisiana State Police sex offender registry at www.lsp.org to receive updates when a sex offender moves within two miles of the center.

F. Centers shall not permit any individual convicted of a sex offense as defined in R.S. 15:541 to have physical access to the center.

G. The owner or director of an early learning center shall immediately notify law enforcement personnel and the Licensing Division if they have knowledge that a registered sex offender is on the premises of the center. The verbal report shall be followed by a written report to the Licensing Division within 24 hours.

H. All equipment used by children shall be maintained in a clean and safe condition and in good repair.

I. Moveable equipment shall be secured and supported so that it shall not fall or tip over.

J. Microwave ovens, bottle warming devices and crock pots are prohibited in areas accessible to children.

K. Items that can be harmful to children, such as medications, poisons, cleaning supplies and chemicals, and equipment, tools, knives and other potentially dangerous utensils, shall kept in a locked cabinet or other secure place that ensures they are inaccessible to children.

L. Plastic bags, when not in use, regardless of purpose or use, shall be made inaccessible to children.

M. Construction, remodeling, and alterations of structures shall be done in such a manner so as to prevent hazards or unsafe conditions, such as fumes, dust and safety hazards.

N. Strings and cords, including but not limited to those found on equipment, window coverings, televisions and radios, shall be inaccessible to children under age four.

O. First aid supplies shall be kept at the center and shall be easily accessible to employees but not accessible to children.

P. The center shall prohibit the use of alcohol and tobacco and the use or possession of illegal substances, unauthorized potentially toxic substances, fireworks and firearms, and pellet and BB guns on the center premises and notice to this effect shall be posted.

Q. The personal belongings of center staff members shall be inaccessible to children.

R. The center shall post a copy of the current "The Safety Box" newsletter issued by the Louisiana Office of the Attorney General and shall immediately remove from the early learning premises any items listed as recalled.

S. Lawn cutting services shall not occur while children are on the playground or outside the early learning center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015.

Chapter 21. Minimum Transportation Requirements and Standards

§2103. Daily Transportation (Contract or Center Provided)

A. Written authorization shall be obtained from a parent to transport a child on a regular basis. Such authorization shall include the name of the child, the type of transportation (to and from school, to and from home) and the names of individuals, schools, or other entities to whom the child may be released.

B. A staff person shall be present when a child is delivered to the center.

C. When children are picked up or dropped off at the center by a public or private school bus, staff shall be present to safely escort children to and from the bus.

D. Vehicle Staff

1. When transporting children under age four, the driver and one staff person shall be in each contracted or center provided vehicle at all times.

2. When transporting children age four and older, the driver plus one staff member shall be in each contracted or center provided vehicle at all times, unless the vehicle has a communication device which allows the driver to contact emergency personnel, in which case only the driver is needed.

E. Master Transportation Log

1. A copy of the current master transportation log shall be maintained on file at the center and shall include the names of the children, the pickup and drop off locations, and the authorized persons to whom the children may be released. Documentation shall be maintained whether transportation is provided by the center or contracted.

2. Each driver or monitor, whether provided by the center or through a contractor, shall be provided a current master transportation log.

F. Passenger Log

1. A current passenger log for each trip shall be used to track children and staff during transportation.

2. The log shall be maintained on file at the center and a copy shall be provided to the driver or monitor.

3. The following shall be recorded in the passenger log:

a. date the transportation is provided;

b. name of the child;

c. name of driver and staff members;

d. pick up and drop off locations;

e. time child was placed on the vehicle;

f. time child was released and name of the person or entity to whom child was released; and

g. signature of staff person completing the log.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:642 (April 2015), effective July 1, 2015.