

Current Policy

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Chapter 3. CCAP Provider Certification

§309. Specific Certification and Registration Requirements for Family Child Care Providers

A. To be certified as a CCAP provider, in addition to the requirements in §305, a family child care provider must meet the following requirements, which include but are not limited to the requirements for registration as a family child care provider pursuant to R.S. 17:407.61 et seq.

1. Age. Be at least age 18.
2. Number of Children in Care. Care for no more than six children who are under age 13, or children with special needs who are under age 18.
3. Telephone. Have a working telephone that is capable of receiving incoming and making outgoing calls and that is available at all times in the residence in which care is being provided.
4. Costs. Pay costs necessary to obtain required criminal background checks.
5. State Fire Marshal. Provide written verification of current State Fire Marshal approval for the residence where care is being provided.
6. State Central Registry. Provide written certification that the provider, all adults employed in the residence and on the property of the residence where care is provided, and all adults living in the residence where care is provided have not been the subject of a validated finding of child abuse or neglect by completing a state central registry disclosure form.
7. Criminal Background Checks. Provide documentation of a satisfactory fingerprint based criminal background check (CBC) from the Louisiana Bureau of Criminal Identification and Information (bureau) for the provider, all adults employed in the residence and on the property of the residence where care is provided, and all adults living in the residence where care is provided.
 - a. Electronic fingerprints shall be used in all parishes where they are available.
 - b. A satisfactory CBC is one that shows no arrests for any crime listed in R.S. 5:587.1(C), or if such an arrest is shown, the CBC or documentation from the jurisdiction of arrest affirmatively shows that the charges were disposed of without a conviction. A plea of guilty or nolo contendere shall be deemed to be a conviction.
8. CPR. Provide documentation of current certification in infant, child and adult CPR.
9. Pediatric First Aid. Provide documentation of current certification in pediatric first aid.
10. Orientation Training. Within six months of initial certification, complete the following training, maintain documentation verifying completion of the training, and make the documentation available for inspection upon request by the department:
 - a. a four-hour training that includes, at a minimum, information on recordkeeping, recognizing signs of child abuse, child abuse prevention and mandatory reporting of suspected cases of child abuse or neglect, communicating with parents, age appropriate activities for young children, child development, child safety and nutritional needs of children;
 - b. training that includes information on the following:
 - i. prevention and control of infectious disease;
 - ii. immunization schedules and requirements;
 - iii. prevention of sudden infant death syndrome and use of safe sleeping practices;
 - iv. prevention of and response to emergencies due to food and allergic reactions; and
 - v. prevention of shaken baby syndrome and abusive head trauma;
 - c. if medication is administered to children in care, medication administration training completed with a qualified health and safety professional, a child care health consultant, approved by DHH to provide training, consultation, and technical assistance to child care providers on health and safety topics every two years.
11. Annual Training. Annually complete 12 clock hours of training in job-related subject areas approved by the department. Documentation verifying completion of the required training shall be maintained by the provider and made available for inspection upon request by the department. Orientation training counts toward the annual training requirement in the certification period taken.
12. Transportation. If transportation is provided, the provider shall use child safety restraints required by law, take precautions necessary to ensure the safety of children being transported, and develop emergency procedures and actions to be taken in the event of an accident or breakdown.
13. Parental Consent. Obtain written permission from a parent to administer medication to a child in care.
14. Immunizations. Obtain satisfactory evidence of immunization against, or an immunization program in progress, for vaccine-preventable diseases for each child in care, according to the schedule approved by the Office of Public Health, Department of Health and Hospitals:

a. if vaccination is contraindicated for medical reasons, the parent shall provide a written statement from a physician indicating said medical reasons; or

b. if the parent objects to the immunizations for any other reason, the parent shall provide a written statement of dissent.

15. Hazardous Materials. Keep items that can be harmful to children, such as medications, poisons, cleaning supplies and chemicals, and equipment, tools, knives and other potentially dangerous utensils in a secure place that is inaccessible to children.

16. Building and Physical Premises. Identify and protect children from safety hazards in the residence and on the premises, such as uncovered electrical outlets, strings and cords, bodies of water, and vehicular traffic.

17. Emergency Planning. Have appropriate emergency phone numbers, such as fire and police, hospitals and Louisiana Poison Control, and the physical address and phone number for the residence in which care is provided posted in a prominent, easily visible location, and have a written emergency plan that protects children in the event of fire, flood, storm, hurricane, tornado, and snow and ice.

18. First Aid Supplies. Maintain first aid supplies in the residence.

19. Inspections. Allow inspection of the residence where care is provided by department staff and other authorized inspection personnel and parents of children in care, during normal working hours and when children are in care.

B. Family child care providers receiving CCAP payments or certified to receive CCAP payments shall be inspected no less than annually by department staff or other authorized inspection personnel.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2111 (October 2015).

§311. Specific Certification Requirements for In-Home Child Care Providers

A. To be certified as a CCAP provider, in addition to the requirements in §305, an in-home care provider must meet the following requirements which include, but are not limited to, the requirements for registration as an in-home provider pursuant to R.S. 17:407.61 et seq.

1. Age. Be at least age 18.

2. Telephone. Have a working telephone that is capable of receiving incoming and making outgoing calls and that is available at all times in the home in which care is being provided.

3. Costs. Pay costs necessary to obtain required criminal background checks.

4. State Fire Marshal. Provide written verification of current State Fire Marshal approval for the home where care is being provided.

5. State Central Registry. Provide written certification that the provider, all adults employed in the home and on the property of the home where care is provided, and all non-caregiver adults living in the home where care is provided have not been the subject of a validated finding of child abuse or neglect by completing a state central registry disclosure form.

6. Criminal Background Checks. Provide documentation of a satisfactory fingerprint based criminal background check (CBC) from the Louisiana Bureau of Criminal Identification and Information (bureau) for the provider, all adults employed in the home and on the property of the home where care is provided, and all non-caregiver adults living in the home where care is provided.

a. Electronic fingerprints shall be used in all parishes where they are available.

b. A satisfactory CBC is one that shows no arrests for any crime listed in R.S. 5:587.1(C), or if such an arrest is shown, the CBC or documentation from the jurisdiction of arrest affirmatively shows that the charges were disposed of without a conviction. A plea of guilty or *nolo contendere* shall be deemed to be a conviction.

7. CPR. Provide documentation of current certification in infant, child and adult CPR.

8. Pediatric First Aid. Provide documentation of current certification in pediatric first aid.

9. Orientation Training. Within six months of initial certification, complete training on the following. Documentation verifying completion of the trainings shall be maintained by the provider and available for inspection upon request by the department:

a. a four hour training that includes at a minimum, information on recordkeeping, recognizing signs of child abuse, child abuse prevention and mandatory reporting of suspected cases of child abuse or neglect, communicating with parents, age appropriate activities for young children, child development, child safety and nutritional needs of children;

b. training that includes information on the following:

i. prevention and control of infectious disease;

ii. immunization schedules and requirements;

iii. prevention of sudden infant death syndrome and use of safe sleeping practices;

iv. prevention of and response to emergencies due to food and allergic reactions; and

v. prevention of shaken baby syndrome and abusive head trauma; and

c. if medication is administered to children in care, medication administration training completed with a qualified health and safety professional, a child care health consultant, approved by DHH to provide training, consultation, and technical assistance to child care providers on health and safety topics every two years.

10. Annual Training. Annually complete 12 clock hours of training in job-related subject areas approved by the department. Documentation verifying completion of the required training shall be maintained by the provider and made

available for inspection upon request by the department. Orientation training counts toward the annual training requirement in the certification period taken.

11. Transportation. If transportation is provided, the providers shall use child safety restraints required by law, take precautions necessary to ensure the safety of children being transported, and develop emergency procedures and actions to be taken in the event of an accident or breakdown.

12. Parental Consent. Obtain written permission from a parent to administer medication to a child in care.

13. Immunizations. Obtain satisfactory evidence of immunization against, or of an immunization program in progress, for vaccine-preventable diseases for each child in care, according to the schedule approved by the Office of Public Health, Department of Health and Hospitals:

a. if vaccination is contraindicated for medical reasons, the parent shall provide a written statement from a physician indicating said medical reasons; or

b. if the parent objects to the immunizations for any other reason, the parent shall provide a written statement of dissent.

14. Hazardous Materials. Keep items that can be harmful to children, such as medications, poisons, cleaning supplies and chemicals, and equipment, tools, knives and other potentially dangerous utensils in a secure place that is inaccessible to children.

15. Building and Physical Premises. Identify and protect children from safety hazards in the home and on the premises, such as uncovered electrical outlets, strings and cords, bodies of water, and vehicular traffic.

16. Emergency Planning. Have appropriate emergency phone numbers, such as fire and police, hospitals and Louisiana Poison Control, and the physical address and phone number for the home in which care is provided posted in a prominent, easily visible location, and have a written emergency plan that protects children in the event of fire, flood, storm, hurricane, tornado, and snow and ice.

17. First Aid Supplies. Maintain first aid supplies in the home.

18. Inspections. Allow inspection of the home where care is provided by department staff and other authorized inspection personnel during normal working hours and when children are in care.

B. In-home child care providers receiving CCAP payments or certified to receive CCAP payments shall be inspected no less than annually by department staff or other authorized inspection personnel.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2112 (October 2015).

§313. Specific Certification Requirements for Public School and BESE-approved Nonpublic School Child Care Centers

A. To be certified as a CCAP provider, a public or BESE-approved nonpublic school day care center must meet the requirements in §305, and in addition, a BESE-approved nonpublic school day care center must also be *Brumfield v. Dodd*-approved.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2113 (October 2015).

§321. Revocation or Refusal of Renewal of Certification and Ineligibility Periods for Providers

A. The department may revoke or refuse renewal of a provider's certification and impose a period of ineligibility on the provider for program violations, which include but are not limited to the following:

1. violation of any provision of this Chapter;
2. violation of any terms of the CCAP provider agreement;
3. any act of fraud, such as the submission of false or altered documents or information, intentionally making a false or misleading statement, or misrepresenting, concealing, or withholding relevant fact;
4. failure to take steps or actions necessary to ensure the health, safety and well-being of children in care;
5. failure to report a known or suspected incident of abuse or neglect to child welfare authorities;
6. denial of center access to department staff or representatives or failure or refusal to cooperate with department staff in the performance of official duties;
7. failure to timely comply with a corrective action plan approved by the department;
8. failure to timely return any overpayment of child care assistance funds; or
9. failure to make timely restitution.

B. When certification is revoked or renewal is refused, the department shall provide written notice to the provider of the revocation or denial of renewal, and of the provider's ineligibility period, which may be 12 months, 24 months, or permanently.

C. Where the department determines a violation need not result in the revocation of or refusal to renew the provider's certification, the department may:

1. for the first violation, issue a written notice of violation that informs provider that continued or additional violations may result in the revocation or refusal to renew certification and a period of ineligibility;
2. for the second violation, issue a second written notice of violation that includes a corrective action plan (CAP) that outlines the required actions that must be implemented or completed immediately and notice that failure to timely

complete the CAP or additional or continued violations may result in the revocation or refusal to renew certification and a period of ineligibility; and

3. for the third violation, terminate certification and impose a period of ineligibility of 12 months, 24 months or permanently.

D. If certification is revoked or renewal is refused, the action shall become effective when the provider is notified in writing. The written notice shall give the reason for revocation or refusal to renew certification.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2114 (October 2015).

Chapter 5. CCAP Household Eligibility

§509. Certification Requirements for Non-Categorically Eligible Households

A. To be certified as a CCAP household, households that are not categorically eligible for participation in CCAP must meet the following requirements:

1. include at least one child who is eligible for CCAP as provided in §503.A;
2. meet all criteria provided in §507.A;
3. have household income that does not exceed 55 percent of the state median income for a household of the same size. *Household income* is defined as:
 - a. the gross earnings of the head of household, that person's legal spouse or non-legal spouse, and any MUP who is not legally emancipated and whose children are in need of CCAP care, with the exception of income from:
 - i. Corporation for National and Community Service (CNCS);
 - ii. college work study; and
 - iii. disaster-related employment;
 - b. recurring unearned income of the following types for all household members:
 - i. Social Security Administration benefits;
 - ii. supplemental security income;
 - iii. Veterans' Administration benefits;
 - iv. retirement benefits;
 - v. disability benefits;
 - vi. child support or alimony;
 - vii. unemployment compensation benefits;
 - viii. adoption subsidy payments; and
 - ix. workers' compensation benefits;
4. provide the information and documentation necessary for determining the household eligibility and the amount of the monthly CCAP payment to be made to the provider; and
5. training or employment activities.
 - a. Unless disabled as established by receipt of Social Security Administration disability benefits, supplemental security income, Veterans' Administration disability benefits for a disability of at least 70 percent, or unless disabled and unable to care for his or her child(ren), as verified by a doctor's statement or by worker determination, the head of household must meet the training or employment activity requirements of:
 - i. being employed for a minimum average of 30 hours per week and all countable employment hours must be paid at least at the federal minimum hourly wage;
 - ii. attending a job training or educational program for a minimum average of 30 hours per week (attendance at a job training or educational program must be verified, including the expected date of completion); or
 - iii. being engaged in some combination of employment which is paid at least at the federal minimum hourly wage, or job training, or education as defined in Subparagraph b of this Paragraph that averages at least 30 hours per week.
 - b. Exception. The employment and training activity requirements provided in this Paragraph may be waived for a period of 180 days from the effective date of certification of eligibility for parents or persons acting as parents who are experiencing homelessness and who demonstrate that they are seeking employment or participating in a transitional living program as defined in §103. There is a six-month lifetime maximum for this exception.
 - c. Exception. If the number of children served drops below 12,500 and funding is available, the 30-hour training and/or employment requirement referenced in this Section may be reduced by the department until 12,500 children are being served.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016).

§511. Household Certification Period

A. Eligible households may be certified for up to 24 months except as provided in Subsection B of this Section.

B. Households relying on the exception to eligibility requirements for parents and persons acting as parents who are experiencing homelessness, as provided in §509.A.5.c, and that have the 30 hours per week employment and training requirement waived, may be certified for up to six months.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:44 (January 2016).