

## Current Policy

### Title 28 EDUCATION

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

### Chapter 1. General Provisions

#### §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.

*Assurances*—see *program partner assurances*.

*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*<sup>®</sup>—Classroom Assessment Scoring System.

*Classroom*—see early childhood care and education classroom.

*Classroom Assessment Scoring System (CLASS*<sup>®</sup>*)*—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*.

*Program Partner Assurances*—assurances that early childhood care and education programs must submit to the department in order to access their public funding.

*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*.

*School Year*—for purposes of this bulletin, July 1-June 30.

*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), amended LR 42:1871 (November 2016).

## **Chapter 3. Early Childhood Care and Education Network**

### **§307. Publicly-Funded Early Childhood Care and Education Programs and Community Networks**

#### **A. Publicly-Funded Early Childhood Care and Education Program (Publicly-Funded Program)**

1. Each publicly-funded program shall participate in the:
  - a. membership in the community network for its coverage area;
  - b. early childhood care and education accountability system (accountability system), as provided in Chapter 5; and
  - c. coordinated enrollment process, as provided in Chapter 7.
2. Any publicly-funded program that does not comply with Paragraph A.2 of this Section may be subject to the loss of its public funding.

#### **B. Community Network**

1. Each community network shall:
  - a. participate in the early childhood care and education accountability system (accountability system);
  - b. develop and implement a coordinated observation plan for the community network;
  - c. develop and implement a coordinated enrollment process for the community network;
  - d. have a lead agency;
  - e. support the department in disseminating and collecting an annual survey from lead teachers and families of every publicly-funded child; and
  - f. address other needs as identified by the community network.

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 41:2582 (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 this bulletin.

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. Full-Day or Non-Full-Day Type III Early Learning Centers**

1. For purposes of this Bulletin, a type III early learning center shall be either a full-day center or a non-full-day center.
  - a. A full-day center provides care and instruction aligned with a typical school day that consists of at least six continuous hours per day or more than 20 hours per week.
  - b. A center that is not a full-day center is a non-full-day center.

#### **D. Non-Full-Day Type III Early Learning Centers**

1. Initial Academic Approval for Non-Full-Day Centers. In order to obtain the initial academic approval required to be licensed as a type III early learning center, a center that is applying for a new type III license and that does not provide full-day care must submit a signed copy of the current program partner assurances for non-full-day type III early learning centers to the department, thereby agreeing to the following:

- a. in the event the center begins to provide full-day care, the center will provide written notice to the department, and sign new program partner assurances for full-day early learning centers, within 10 business days of the change to full-day care; and
- b. by signing program partner assurances for full-day type III early learning centers, the center will be agreeing to comply with the provisions of this Bulletin, which include:
  - i. membership in the corresponding community network, as provided in Chapter 3;
  - 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.

2. An applicant for a new non-full-day type III early learning center license who has held a type III early learning center license and received a corrective action plan as provided in §313 at any time during the current or preceding fiscal year shall not be allowed to apply for academic approval for the fiscal year in which the center received a corrective action plan and the following fiscal year.

3. Renewal of Academic Approval. Academic approval shall be renewed annually for any non-full-day type III early learning center if the center:

a. has current academic approval; and

b. has submitted a signed copy of the current annual program partner assurances for non-full-day type III early learning centers to the department prior to July 1, or as requested by the department, whichever occurs earlier.

E. Initial Academic Approval for an Applicant for a New Full-Day Type III Early Learning Center License for Fiscal Years 2016-2017, 2017-2018, and 2018-2019

1. In order to obtain the initial academic approval required to be licensed as a full-day type III early learning center, a center applying for a new full-day type III license must:

a. submit a signed copy of the current program partner assurances for full-day type III early learning centers to the department, thereby agreeing to comply with the provisions of this bulletin, which include:

i. membership in the corresponding community network, as provided in Chapter 3;

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.

2. An applicant for a new full-day type III early learning center license who has held a type III early learning center license and received a corrective action plan as provided in §313 at any time during the current or preceding fiscal year shall not be allowed to apply for academic approval for the fiscal year in which the center received a corrective action plan and the following fiscal year.

F. Initial Academic Approval for an Applicant for a New Full-Day Type III Early Learning Center License for Fiscal Years 2019-2020 and Beyond

1. In order to obtain the initial academic approval required to be licensed as a full-day type III early learning center, a full-day center applying for a new full-day type III license must:

a. submit a signed copy of the current program partner assurances for full-day type III early learning centers to the department, thereby certifying that:

i. the center will comply with the provisions of this bulletin, which include:

(a). membership in the corresponding community network, as provided in Chapter 3;

(b). participation in the early childhood care and education accountability system, as provided in Chapter 5;

and

(c). participation in the coordinated enrollment process, as provided in Chapter 7;

ii. all lead teachers at the center have:

(a). an early childhood ancillary certificate issued by the BESE; or

(b). are in the process of completing training that will lead to the early childhood ancillary certificate and will have obtained an early childhood ancillary certificate issued by BESE within 24 months of start day as a lead teacher.

2. An applicant for a new full-day type III early learning center license who has held a type III early learning center license and received a corrective action plan as provided in §313 at any time during the current or preceding fiscal year shall not be allowed to apply for academic approval for the fiscal year in which the center received a corrective action plan and the following fiscal year.

G. Renewal of Academic Approval for Full-Day Type III Early Learning Centers for the Fiscal Year 2017-2018

1. Academic approval shall be renewed annually for fiscal years 2016-2017 and 2017-2018 for any full-day type III early learning center that:

a. has current academic approval;

b. is in compliance with the provisions of this bulletin; and

c. has submitted a signed copy of the current annual program partner assurances for full-day type III early learning centers to the department, and is thereby agreeing to comply with the provisions of this bulletin, which include:

i. membership in the corresponding community network, as provided in Chapter 3;

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.

2. full-day type III early learning centers shall annually submit a signed copy of the annual program partner assurances for full-day type III early learning centers to the department prior to July 1, or as requested by the department, whichever occurs earlier.

H. Renewal of Academic Approval for Full-Day Type III Early Learning Centers for Fiscal Year 2018-2019

1. Academic approval shall be renewed annually for fiscal years 2018-2019 and beyond for any full-day type III early learning center that:

a. has current academic approval;

b. is in compliance with the provisions of this bulletin;

c. has not had two unsatisfactory performance ratings within any consecutive three school years; and

- d. has submitted a signed copy of the current annual program partner assurances for full-day type III early learning centers to the department, and is thereby agreeing to comply with the provisions of this bulletin, which include:
  - i. membership in the corresponding community network, as provided in Chapter 3;
  - 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.

2. Full-day type III early learning centers shall annually submit a signed copy of annual program partner assurances for full-day type III early learning centers to the department prior to July 1, or as requested by the department, whichever is earlier.

I. Renewal of Academic Approval for Full-Day Type III Early Learning Centers for Fiscal Years 2019-2020 and Beyond

1. Academic approval shall be renewed annually for fiscal years 2018-2019 and beyond for any full-day type III early learning center that:

- a. has current academic approval;
- b. is in compliance with the provisions of this bulletin;
- c. has not had two unsatisfactory performance ratings within any consecutive three school years; and
- d. has submitted a signed copy of the current annual program partner assurances for full-day early learning centers to the department, thereby certifying that:
  - i. the center will comply with the provisions of this bulletin, which include:
    - (a). membership in the corresponding community network, as provided in Chapter 3;
    - (b). participation in the early childhood care and education accountability system, as provided in Chapter 5;
    - (c). participation in the coordinated enrollment process, as provided in Chapter 7; and
  - ii. all lead teachers at the center have:
    - (a). an early childhood ancillary certificate issued by BESE; or
    - (b). are in the process of completing training that will lead to the early childhood ancillary certificate and will have obtained an early childhood ancillary certificate issued by BESE within 24 months of start date as a lead teacher.

2. Full day type III early learning centers shall annually submit a signed copy of annual program partner assurances for full-day type III early learning centers to the department prior to July 1, or as requested by the department, whichever occurs earlier.

J. A center that has its academic approval terminated may not apply for academic approval for the fiscal year in which academic approval was terminated or the following fiscal year.

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

L. 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.

M. 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.

N. 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 of this Section 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 L.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 L.2.c of this Section and send notice of termination of the center's academic approval.

O. Denial, Termination or Refusal to Renew Academic Approval

1. The department may deny terminate, or refuse to renew academic approval for:

- a. violations of any provisions of this bulletin;
- b. failure to timely comply with a corrective action plan provided by the department;
- c. any act of fraud, such as the submission of false or altered documents or information;
- d. failure to timely submit a signed copy of the annual program partner assurances; or
- e. two unsatisfactory performance ratings within any consecutive three school years.

2. Notice

a. If a type III early learning center is in violation of any provision of this bulletin, the department shall notify the center in writing and may specify any corrective actions in a corrective action plan 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 specified in the corrective action plan have been taken or are in the process of being taken in compliance with the schedule provided in the corrective action plan and certification that the center will remain in compliance with the corrective action plan and all applicable regulations.

c. If the type III early learning center does not respond in a timely or satisfactory manner to the notice and corrective action plan or adhere to the implementation schedule required in the corrective action plan, the department may terminate or refuse to renew the center's academic approval.

d. The department shall provide written notice of denial, termination or refusal to renew academic approval to the center.

e. The denial, termination or refusal to renew a center's academic approval shall be effective when notice of the denial, termination, or refusal to renew is given.

**P. Appeal Procedure**

1. BESE shall have the authority to grant an appeal of the denial, termination or refusal to renew academic approval for a type III early learning center.

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 denial, termination, or refusal to renew its academic approval by submitting a written request for an appeal to the department within 15 calendar days of being given notice of the denial, termination, or refusal to renew 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 or refusal to renew 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), amended LR 42:1871 (November 2016), LR 43:2129 (November 2017).

## **Chapter 5. Early Childhood Care and Education Accountability System**

### **§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*<sup>®</sup> observations each school year.

**B. *CLASS*<sup>®</sup> Observation Requirements**

1. A *CLASS*<sup>®</sup> observation is an observation of a classroom using the appropriate toddler or PreK *CLASS*<sup>®</sup> 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*<sup>®</sup> observations for toddler classrooms shall include both toddler *CLASS*<sup>®</sup> domains, which are emotional and behavioral support and engaged support for learning, and all dimensions contained within.

b. *CLASS*<sup>®</sup> observations for PreK classrooms shall include all three PreK *CLASS*<sup>®</sup> 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*<sup>®</sup> 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*<sup>®</sup> observations conducted by third-party contractors hired by the department shall not count towards this requirement.

4. Use of Toddler or PreK *CLASS*<sup>®</sup>. Classrooms shall be observed with the same *CLASS*<sup>®</sup> 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*<sup>®</sup>;

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*<sup>®</sup>.

5. The department shall monitor observer accuracy within each observation period by comparing the domain-level results from classroom observations conducted by the department's third-party contractors to the domain-level results from classroom observations conducted by the community network for each observer.

a. Within each observation period, for observations conducted by a community network observer that have been compared to domain-level results conducted by the department's third-party contractors, if more than 20 percent of the domain-level results are different by more than one point for the community network observer, that observer and lead agency shall be issued a notice in writing by the state regarding their level of accuracy.

b. Within each observation period, for observations conducted by a community network observer that have been compared to domain-level results conducted by the department's third-party contractors, if more than 33 percent of the domain-level results are different by more than one point for the community network observer, that observer shall be shadow scored by another community network observer in the next observation period.

c. After two observation periods, for observations conducted by a community network observer that have been compared to domain-level results conducted by the department's third-party contractors, if 50 percent or more of the domain-level results are different by more than one point for the community network observer, the department may determine that the community network observer shall not be able to conduct observations for that community network for the next observation period.

i. If the observer is no longer able to conduct observations for the community network, the department shall notify the observer and the lead agency that the observer shall not be able to conduct observations for that community network for the next observation period.

ii. A lead agency or community network observer may request in writing that the department review its decision in Subparagraph 5.c of this Subsection within 15 calendar days of receiving the decision.

iii. All requests for departmental review shall clearly state the specific reasons for requesting the review and the action being sought, and shall include all necessary supporting documentation.

iv. The department shall respond to the request for departmental review within 30 calendar days after receiving it.

v. The department may waive the action in Subparagraph 5.c of this Subsection in cases of extenuating circumstances or if the action would result in no other assessor being available to conduct required observations.

d. Observers who are receive notification from the department under Clause 5.c.i of this Subsection must meet the reliability requirements of 80 percent accuracy through annual recertification prior to being permitted to complete observations for the community network.

#### C. Coordinated Observation Plan

1. Each community network shall develop and maintain, no later than September 30 of each year, a written annual plan for coordinated observation using *CLASS*<sup>®</sup> that at a minimum includes:

a. the number of *CLASS*<sup>®</sup> 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*<sup>®</sup> 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 during the fall observation period and for 10 percent of all classrooms observed during the spring observation period, and that these reliability observation checks include every observer for the community network at least once annually; 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.

E. The department shall publicly release the reliability requirements for third-party contractors hired by the department annually.

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), amended LR 42:1872 (November 2016), LR 43:2131 (November 2017).

#### **§507. Performance Profile Implementation Timeline**

A. The 2015-2016 school year shall be an learning year for publicly-funded sites and community networks.

1. A learning year is a year in which there are no consequences on publicly-funded sites or community networks as a result of their performance profile.

2. Performance profiles for the 2015-2016 learning year shall clearly indicate that the performance profile is practice and is from a learning year.

B. Every publicly-funded site, except those that begin operating after October 1, and every community network shall participate in the accountability system for the 2015-2016 learning year and shall receive a practice performance profile as provided in §501.

1. Type III early learning centers that do not participate in the accountability system may have their academic approval terminated.

2. All other publicly-funded sites that do not participate in the accountability system may be subject to the loss of public funding.

C. The 2016-2017 school year shall be the first school year in which publicly-funded sites and community networks are accountable for the performance rating earned.

D. Prior to the start of the 2016-2017 school year, BESE shall review this Chapter and revise as necessary based on learnings from the 2015-2016 learning year.

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 41:2587 (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 dimension-level toddler and PreK observation results from the fall and spring observation periods for all toddler and PreK classrooms within the site, excluding the negative climate dimension.

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

2. Sites that have classrooms that receive a score of 3.5 or above for the negative climate dimension shall receive a notice in writing at the end of the observation period in which they received that score. If a site receives a notice for two consecutive observation periods, an indicator of high negative climate may be reported on the performance profile.

B. Any classroom in a publicly-funded site that does not have the observations required in LAC 28:XCI.503 or does not have all results reported, shall have third-party scores for that classroom reported when available. If no third-party scores are available for that classroom, but there are observation scores for comparable classrooms within the site as required in LAC 28:XCI.503, the department shall assign the average domain score for the comparable classrooms to each missing CLASS<sup>®</sup> score. The department may assign a score of 1 to each missing CLASS<sup>®</sup> domain score if no comparable local or third-party scores are available. If this occurs, the score of 1 for missing or not-reported observation results shall be included in the performance rating calculation for that site. In these circumstances, 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<sup>®</sup> 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. Beginning with the 2016-2017 school year, if 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.

D. The performance rating for each site shall be based on the following numerical scale:

1. 6.0-7.0—excellent;
2. 4.50-5.99—proficient;
3. 3.0-4.49—approaching proficient;
4. 1.0-2.99—unsatisfactory.

E. The numerical scale and performance rating shall be used for each CLASS® domain and for the overall performance rating.

F. BESE may transition to a five-level rating scale beginning with the 2017-2018 school year.

G. BESE shall review the overall rating calculation, including but not limited to data collected on the informational metrics of best practices, prior to the 2016-2017 school year and determine whether additional factors should be added to the rating calculation.

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 41:2587 (December 2015), amended LR 42:1873 (November 2016).

**§511. Performance Rating Calculations for Community Networks**

A. Community networks shall receive two performance ratings which shall be calculated as follows.

1. CLASS® observation results shall be one of the community network performance ratings.
2. An equitable access score for four-year-olds shall be one of the community network performance ratings.
3. BESE may include a weight for improvement on equitable access beginning with the 2017-2018 school year.

B. The CLASS® observation results shall be determined by averaging the results of all fall and spring dimension-level toddler and PreK observation results for all toddler and PreK classrooms within the community network excluding negative climate.

1. Any classroom in a site that does not have the observations required in LAC 28:XCI.503, or has not had all observation results reported, shall have third-party scores for that classroom reported when available. If no third-party scores are available for that classroom, but there are observation scores for comparable classrooms within that site as required in LAC 28:XCI.503, the department shall assign the average domain score for the comparable classrooms to each missing CLASS® domain score. The department may assign a score of 1 to each missing CLASS® domain score if no comparable local or third-party score is available. If this occurs, the score of 1 for missing observation or not-reported results shall be included in the performance rating calculation for the community network. In these circumstances the number of missing or not-reported observation results shall be reported on the community network’s performance profile.

a. Lead agencies may be subject to termination as provided in §309.G for incomplete observations or observation results not reported.

2. 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 community network for each publicly-funded site.

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

b. The department shall monitor domain-level observation results of classroom observations conducted by community network for each publicly-funded site, including by observer, and domain-level observation results conducted by the department’s third-party contractors for each publicly-funded site.

i. For the 2015-2016 learning year, if the observation results conducted by a community network are consistently different by more than one point from observation results conducted by the department’s third-party contractor, 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 contractor for that site, including those results that do not differ by at least one point.

ii. For every year after the 2015-2016 school year, if the observation results conducted by a community network are consistently different by more than one point from observation results conducted by the department’s third-party contractor, 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 contractor for that site, including those results that do not differ by at least one point.

C. The equitable access score performance rating shall be determined by calculating the access achieved by the community network for all at-risk four-year-old children in the community network coverage area. Points are earned on a four-level rating scale according to:

Percentage of At-Risk Four-Year-Olds Served	Rating
90-100 percent	Excellent
80-89.99 percent	Proficient
70-79.99 percent	Approaching Proficient
0-69.99 percent	Unsatisfactory

D. The CLASS® observation results performance rating for each community network shall be based on the following numerical scale:

1. 6.0-7.0—excellent;

2. 4.5-5.99—proficient;
3. 3.0-4.49—approaching proficient;
4. 1.0-2.99—unsatisfactory.

E. The numerical scale and performance rating shall be used for reporting each *CLASS*<sup>®</sup> domain and the overall performance rating.

F. BESE may transition to a five-level rating scale beginning with the 2017-2018 academic year.

G. BESE shall review the overall rating calculation, including but not limited to data collected on the informational metrics of best practices, prior to the 2016-2017 school year and determine whether additional factors should be added to the rating calculation.

H. Prior to the start of the 2017-2018 school year, a workgroup of Early Childhood Care and Education Advisory Council members shall be formed to study the inclusion of additional metrics in the performance rating calculations and review R.S. 17:407.21 et seq., for potential statutory changes, and shall make recommendations regarding the use of any additional performance rating calculation metrics in LAC 28:XCI.509.D.

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 41:2588 (December 2015), amended LR 42:1874 (November 2016).

## **§512. Performance Ratings for Publicly-Funded Sites**

### **A. Unsatisfactory Publicly-Funded Sites**

1. Beginning with the 2016-2017 school year, publicly-funded sites rated as “unsatisfactory,” as defined in LAC 28:XCI.509, for two school years in any consecutive three school year period, shall lose their public funding and have their academic approval terminated.

2. The state superintendent may grant exception to Subsection A of this Section if the publicly-funded site serves a special population, or if taking the required action in Subsection A of this Section would create an extraordinary burden for families or place children at risk of harm.

3. The department shall conduct an annual needs analysis for families in regions that may be impacted by publicly-funded sites losing their public funding to support access to early childhood programs.

### **B. Rewards and Recognition**

1. Beginning in the 2016-2017 school year, sites and community networks that are rated “excellent” shall be included in an annual honor roll published by the department and be eligible for financial rewards, as funds are available and as determined by the department.

2. No later than the 2017-2018 school year, sites and community networks that demonstrate significant improvement in their overall score or rating shall be labeled “top gains” on their performance profile and be eligible for financial rewards, as funds are available and as determined by the department.

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 42:1874 (November 2016).

## **§515. Reporting for the Accountability System**

### **A. Lead agencies shall report to the department, in the manner specified by the department, the following:**

#### **1. classroom counts:**

a. by October 1, the number of classrooms serving infant, toddler and PreK children in each publicly-funded site on October 1;

b. by February 1, the number of classrooms serving infant, toddler, and PreK children in each publicly-funded site on February 1; and

c. by February 1, the number of classrooms in the February 1 count that have been added or removed since the October 1 count;

#### **2. child counts:**

a. by October 31, the number of publicly-funded children in each publicly-funded site on October 1;

b. by February 28, the number of publicly-funded children in each publicly-funded site on February 1; and

c. by February 28, the number of publicly-funded children by site in the February 1 count that have been added or removed since the October 1 count;

#### **3. *CLASS*<sup>®</sup> observation results:**

a. within 10 business days after the observation, unless upon written request from the lead agency, the department grants a written extension of time for a specific observation based on the extenuating circumstances provided in the written request;

b. all fall observation period data by December 15; and

c. all spring observation period data by May 15;

4. child assessment results for publicly-funded infants, toddlers and PreK children by October 31, February 28, and May 31.

**B. Publicly-funded sites shall report to the department by October 31, in the manner specified by the department, the following:**

1. number of lead teachers with certification of reliability on the ongoing assessment used in the community network;

2. teacher/child ratios used in the site;
3. credential and certification status of each lead teacher; and
4. curriculum used in each classroom.

C. The department shall report to lead agencies on a monthly basis the number of CLASS<sup>®</sup> observations that have been submitted for publicly-funded programs in that community network.

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 41:2589 (December 2015), amended LR 42:1875 (November 2016).

#### **§517. Data Verification**

A. The department shall provide all non-survey data contributing to the performance profile for publicly-funded sites and community networks to each lead agency prior to publishing the performance rating.

B. In 2015-2016, the department shall provide lead agencies 30 calendar days for final review, correction, and verification of data for the performance profiles. For all subsequent years, the department shall provide lead agencies 10 calendar days for final review, correction, and verification of data for performance profiles.

1. The lead agency shall create and implement a community network data certification procedure that requires review of all performance profile data for each site during the data certification period.

2. The department may request the certification procedure from each lead agency.

3. Data corrections shall not be grounds for an appeal or waiver request as all data corrections shall be made prior to the release of profiles regardless of the source of any errors.

4. Data corrections may only be submitted for the following reasons:

- a. CLASS<sup>®</sup> observations results have been reported incorrectly; or
- b. CLASS<sup>®</sup> observation results were not reported.

5. The department shall review all data corrections and grant approval of those corrections that are proven valid.

6. The department may request additional documentation to support the validity of the changes.

C. The department shall act upon and respond in writing within 30 calendar days of receiving a signed report from the general public regarding potential irregularities in data reporting.

D. Anonymous complaints may be acted upon at the discretion of the department.

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 41:2590 (December 2015), amended LR 42:1876 (November 2016).

#### **§523. Disaster Consideration for Programs and Community Networks**

A. A severe impact site meets either of the following conditions associated with disasters:

1. the site was closed, due to the disaster, for 18 or more consecutive school days during a given school year; or
2. the site gained or lost 25 percent or more of its population due to the disaster.

B. A severe impact community network is a community network that consists of 25 percent or more severe impact sites.

C. Severe impact sites and severe impact community networks qualify for a waiver for up to one school year from participation in the accountability system.

1. BESE shall not issue a performance profile for any severe impact site or severe impact community network for the school year in which the disaster occurred unless the site or community network requests that the performance profile be issued.

2. BESE shall not include severe impact site accountability system results in the performance profile for a community network that does not meet the severe impact criteria but has severe impact sites.

D. Community network lead agencies and sites may address situations not part of the severe impact disaster process through the waiver process for accountability system requirements set forth in §519.

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 41:2591 (December 2015).

## **Chapter 7. Coordinated Enrollment**

### **703. Coordinated Enrollment Process**

A. Coordinated enrollment is the process developed and implemented by a community network to coordinate enrollment for infant, toddler, and PreK children in the community network whose families want to enroll them in a publicly-funded program in the community network.

B. The coordinated enrollment process consists of:

1. a coordinated information campaign through which the community network informs families about the availability of publicly-funded programs serving children ages birth to five years;

2. a coordinated eligibility determination through which the community network coordinates enrollment, eligibility criteria, and waiting lists to ensure that families are referred to other available publicly-funded early childhood programs should they be ineligible for or unable to access their primary choice;

3. a coordinated application process through which the community network conducts a unified application process so families can easily indicate their enrollment choices for publicly-funded programs; and

4. a matching based on family preference through which the community network enrolls at-risk children, using available public funds and based upon stated family preferences.

C. In collaboration with representatives of providers of child care, Head Start, and prekindergarten services, the lead agency shall develop policies and procedures for how the requirements of Subsection B of this Section will be implemented. These policies and procedures shall be submitted to the department prior to initiation of the enrollment process, and shall include training for providers and parents on the eligibility criteria for different programs, the matching process for the network, and the complaint process for providers and parents as needed.

D. Each community network shall operate a coordinated enrollment process for each school year, subject to the implementation timeline provided in §705.

E. The lead agency shall ensure the community network develops and implements a process to enroll publicly-funded children on an ongoing basis outside of the community network's established application period each year.

F. Any publicly-funded program that seeks to enroll children outside of their community network's coordinated enrollment process shall obtain prior written approval from the department.

G. Request for Departmental Review

1. Any parent or caregiver may request that the department review the placement of his or her child resulting from the coordinated enrollment process.

2. A request for departmental review shall be submitted in writing to the department within 30 calendar days of placement of the child or of the event upon which the request for review is based.

3. All requests for departmental review shall clearly state the specific reasons for requesting the review and the action being sought, and shall include all necessary supporting documentation.

4. The department shall respond to the request for departmental review within 30 calendar days after receiving it.

5. Written notice of the process in outlined in Paragraph 2 of this Subsection, as well of the complaint process described in LAC 28:XCI.311.A-F, and the appropriate contact information for the department, shall be made available to any parent or caregiver.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq., and R.S. 17:407.91 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2591 (December 2015), amended LR 42:1876 (November 2016).

**§705. Implementation Timeline**

A. Community networks that began receiving funding prior to January 2015 shall develop and implement all four components of the coordinated enrollment process as defined in §703 during the 2015-2016 school year for use in enrollment that begins with the 2016-2017 school year.

B. Community networks that began receiving funding on or after January 2015 shall develop and implement all four components of the coordinated enrollment process as defined in §703 during the 2015-2016 and 2016-2017 school years for use in enrollment that begins with the 2017-2018 school year.

1. Community networks shall establish the coordinated information campaign, coordinated eligibility determination and coordinated application process as defined in §703.B.1-B.3 during the 2015-2016 school year for enrollment that begins with the 2016-2017 school year.

C. The state superintendent, pursuant to authority delegated by BESE, may grant a community network a one year extension of time to develop and implement the enrollment process.

1. Any community network that began receiving funding prior to January 2015 requesting an extension of time shall submit a written request to the department no later than December 1, 2015.

2. Any community network that began receiving funding on or after January 2015 requesting an extension of time shall submit a written request to the department no later than February 1, 2016.

3. The request shall include written justification of the need for the extension and an assurance that families will be informed of the enrollment process for all publicly-funded programs in the community network.

4. The state superintendent, or designee, shall respond in writing to a request within 30 calendar days of receipt of the request.

D. Community networks shall determine preliminary eligibility for families interested in CCAP during the coordinated eligibility determination as provided in §703.B.2 and the department shall determine final eligibility for CCAP.

E. Prior to the start of the school year, BESE shall review this Chapter and revise as necessary based on learnings from the previous year. A work group of the Early Childhood Care and Education Advisory Council shall be formed to study the effectiveness of the coordinated enrollment process and make recommendations to the council and BESE for changes for implementation in the following school year. This research may include, but not be limited to, defining key indicators of effectiveness, conducting focus groups of all provider types, reviewing data on the placement of new early childhood seats opened statewide, and reviewing other available information. The department, with assent shown by vote of the Advisory Council, may decide in a given year that no review is needed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq., and R.S. 17:407.91 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2592 (December 2015), amended LR 42:1876 (November 2016).