

NOTICE OF INTENT

Board of Elementary and Secondary Education

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

(LAC 28: CLXI.709, 905, 1303, 1307, 1713, 1719, 1721, 1901, and 2103)

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 137—Louisiana Early Learning Center Licensing Regulations* §709.Validity of Licenses, §905.Change in License Type, §1303.Notice of Denial, Revocation or Refusal to Renew, §1307.Appeal of Denial, Revocation or Refusal to Renew, §1713.Supervision, §1719.Orientation Training, §1721.Continuing Education, §1901.General Safety Requirements and §2103.Daily Transportation (Contract or Center Provided). The proposed policy revisions add a requirement to surrender invalid licenses when a center has closed or has had its license revoked, and allow the Louisiana Department of Education (LDE) to immediately close a center upon revocation and prohibit continued operation during the appeals process if the LDE determines that the health and safety of children are at issue. Other revisions simplify the process for changing license types, clarify policy and remove duplicate information.

Title 28 EDUCATION

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

Chapter 7. Licensing Process and Procedures

§709. Validity of Licenses

A. – B. ...

C. When a business is sold, discontinued, the operation has moved to a new location, or the license has been revoked, the existing license immediately becomes null and void and the licensee shall surrender the existing license to the Licensing Division.

D. – H. ...

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, amended LR 42:

Chapter 9. Changes Requiring a New License

§905. Change in License Type

A. ...

B. To change license type, an early learning center shall submit a written request to change its license type and a \$25 change fee to the Licensing Division.

C. Upon receipt of the written request and fee, and verification of substantial compliance with the applicable licensing regulations, the Licensing Division shall issue a replacement license of the new type to the center and the center shall surrender its existing license to the Licensing Division.

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, amended LR 42:

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

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

A. ...

B. The denial, revocation or refusal to renew shall be effective when notice is given and the center shall surrender its existing license to the Licensing Division.

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), LR: 42:

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

A. – B. ...

C. A center may continue to operate during the appeals unless the Licensing Division determines that the health, safety or welfare of children in care imperatively requires immediate closure of the center and incorporates that finding in its notice of revocation.

D. – H. ...

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), LR 42:.

Chapter 17. Minimum Staffing Requirements and Standards

§1713. Supervision

A. – F. ...

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 and can see 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. – I. ...

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), LR 42:.

§1719. Orientation Training

A. – A.4. ...

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. – 5. ...

C. – C.5. ...

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, amended LR 42:.

§1721. Continuing Education

A. Early learning centers shall provide opportunities for continuing education of staff members who are left alone with children, or who have supervisory or disciplinary authority over children.

1. Such staff members of Type II and Type III centers, excluding foster grandparents, shall obtain a minimum of 12 clock hours of continuing education per center anniversary year.

2. Such staff members of Type I centers, excluding foster grandparents, shall obtain a minimum of 3 clock hours of continuing education per center anniversary year.

a. Beginning July 1, 2015, such staff members of Type I centers, excluding foster grandparents, shall obtain a minimum of 6 clock hours of continuing education per center anniversary year.

b. Beginning July 1, 2016, such staff members of Type I centers, excluding foster grandparents, shall obtain a minimum of 9 clock hours of continuing education per center anniversary year.

c. Beginning July 1, 2017, such staff members of Type I centers, excluding foster grandparents, shall obtain a minimum of 12 clock hours of continuing education per center anniversary year.

B. Staff members of Type I, Type II and Type III centers who are neither left alone with children, nor have supervisory or disciplinary authority over children, shall obtain a minimum of three clock hours of continuing education in job related topics per center's anniversary year.

C. Continuing education 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.

D. Continuing education hours shall be in the areas of:

1. child development;
2. child guidance;
3. child abuse prevention;
4. emergency preparation;
5. licensing regulations;
6. learning activities;
7. health and safety;
8. shaken baby prevention;
9. CPR;

10. first aid and;
11. management/administrative education.

E. The three hours of training by a child care health consultant on infectious diseases, health and safety, and/or food service preparation required in LAC 51:XXI.301.A.9 shall not count towards continuing education hours for staff members.

F. Pediatric first aid training and infant/child/adult CPR training may count as continuing education in the anniversary year in which it is taken.

G. Medication administration training by a Child Care Health Consultant may count as continuing education in the anniversary year in which it is taken.

H. 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), LR 42:.

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

§1901. General Safety Requirements

A. – A.4. ...

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

C. 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.

D. 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.

E. 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.

F. 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.

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

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

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

J. 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 be 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.

L. 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.

M. 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.

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

O. 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.

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

Q. 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.

R. 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, amended LR 42:.

Chapter 21. Minimum Transportation Requirements and Standards

§2103. Daily Transportation (Contract or Center Provided)

A. – C. ...

D. Vehicle Staff

1. A driver and at least one staff member must be in a contracted or center-provided vehicle at all times when transporting children, and minimum child to staff ratios must be met. However, when transporting children ages 4 and older only, if the vehicle has a communication device that allows the driver to contact emergency personnel, and the driver does not leave the vehicle while children are present in the vehicle, only the driver is required to be present in the vehicle and minimum child to staff ratios are not required to be met.

2. A contracted driver shall be considered a staff member for purposes of this Subsection if the driver is in compliance with the transportation regulations in Chapter 21 of this Bulletin, including but not limited to maintaining a daily passenger log in compliance with §2103.F, and completing and documenting a visual passenger check of the vehicle at the end of each route in compliance with §2107.A.

E. – F.3.g. ...

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, amended LR 42:

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
FAMILY IMPACT STATEMENT
(LA R.S. 49:953 and 972)

Person Preparing Statement: Nancy Beben
Phone: 225-342-4991
Division: Policy Office
Rule Title: Part CLXI, Bulletin 137—Louisiana Early Learning Center
Licensing Regulations

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

PLEASE RESPOND TO THE FOLLOWING:

1. WILL THE PROPOSED RULE AFFECT THE STABILITY OF THE FAMILY?
 No
 Yes
 Lacks sufficient information to determine
2. WILL THE PROPOSED RULE AFFECT THE AUTHORITY AND RIGHTS OF PARENTS REGARDING THE EDUCATION AND SUPERVISION OF THEIR CHILDREN?
 No
 Yes
 Lacks sufficient information to determine.
3. WILL THE PROPOSED RULE AFFECT THE FUNCTIONING OF THE FAMILY?
 No
 Yes
 Lacks sufficient information to determine
4. WILL THE PROPOSED RULE AFFECT FAMILY EARNINGS AND FAMILY BUDGET?
 No
 Yes
 Lacks sufficient information to determine
5. WILL THE PROPOSED RULE AFFECT THE BEHAVIOR AND PERSONAL RESPONSIBILITY OF CHILDREN?
 No
 Yes
 Lacks sufficient information to determine
6. IS THE FAMILY OR A LOCAL GOVERNMENT ABLE TO PERFORM THE FUNCTION AS CONTAINED IN THE PROPOSED RULE?
 No
 Yes
 Lacks sufficient information to determine

Signature of Contact Person: _____

Nancy Beben

Date Submitted: _____

12/2/13

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
POVERTY IMPACT STATEMENT
(LA R.S. 49:973)

Person Preparing Statement: Nancy Beben

Phone: 225-342-4991

Division: Policy Office

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

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on the rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this Section, the word "poverty" means living at or below one hundred percent of the federal poverty line.

PLEASE RESPOND TO THE FOLLOWING:

1. WILL THE PROPOSED RULE AFFECT THE HOUSEHOLD INCOME, ASSETS, AND FINANCIAL SECURITY?

- No
 Yes
 Lacks sufficient information to determine

2. WILL THE PROPOSED RULE AFFECT EARLY CHILDHOOD DEVELOPMENT AND PRESCHOOL THROUGH POSTSECONDARY EDUCATION DEVELOPMENT?

- No
 Yes
 Lacks sufficient information to determine

3. WILL THE PROPOSED RULE AFFECT EMPLOYMENT AND WORKFORCE DEVELOPMENT?

- No
 Yes
 Lacks sufficient information to determine

4. WILL THE PROPOSED RULE AFFECT TAXES AND TAX CREDITS?

- No
 Yes
 Lacks sufficient information to determine

5. WILL THE PROPOSED RULE AFFECT CHILD AND DEPENDENT CARE, HOUSING, HEALTH CARE, NUTRITION, TRANSPORTATION, AND UTILITIES ASSISTANCE?

- No
 Yes
 Lacks sufficient information to determine

Signature of Contact Person: Nancy Beben
Date Submitted: 12/2/13

Small Business Statement

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., February 8, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

*rec'd from LDE 1/5/16
to LFO 1/5/16
back from LFO 1/7/16*

Person Preparing Statement: Nancy Beben Dept.: LA Department of Education Board of Elementary & Secondary Education
Phone: (225) 342-4991 Office: Policy
Return Address: P. O. Box 94064 Baton Rouge, LA Rule Title: Part CLXI, Bulletin 137—Louisiana Early Learning Center Licensing Regulations

Date Rule Takes Effect: Upon final adoption by BESE
SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed policy revision will have no effect on costs or savings to state or local governmental units.

The proposed policy revisions add a requirement to surrender invalid licenses when a center has closed or has had its license revoked, and allow the Louisiana Department of Education (LDE) to immediately close a center upon revocation and prohibit continued operation during the appeals process if the LDE determines that the health and safety of children are at issue. Other revisions simplify the process for changing license types, clarify policy and remove duplicate information.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The Department of Education may see a reduction in revenue collections as the policy changes the fee for getting a different license to \$25. The current policy requires a fee based on the capacity of the child care center. The fees range from \$25 to \$250. Whether there is a reduction or an increase will depend on the volume of requests for changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Child care providers may benefit from a reduction in the cost for getting a different license. The proposed policy requires a fee of \$25. The current policy requires a fee based on the capacity of the child care center. The fees range from \$25 to \$250. Child care providers may also experience a savings from the change in transportation policy. When transporting children four years of age and older, a driver with a communications device will not need to be accompanied by an extra staff member.

The clarification of policy regarding continuing education will not result in increased hours, but staff members who are never left alone with children and who do not have supervisory or disciplinary authority over children are only required to have three hours of continuing education, which is a reduction in hours for such staff. The policy revision also clarifies that pediatric first aid/CPR training does count as continuing education hours.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Beth Scioneaux
Signature of Agency Head or Designee

Evan Brassef *Staff Director*
Legislative Fiscal Officer or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance
Typed Name and Title of Agency Head or Designee

1/5/16
Date of Signature

1/6/16
Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed policy revisions add a requirement to surrender invalid licenses when a center has closed or has had its license revoked, and allow the Louisiana Department of Education (LDE) to immediately close a center upon revocation and prohibit continued operation during the appeals process if the LDE determines that the health and safety of children are at issue. Other revisions simplify the process for changing license types, clarify policy and remove duplicate information.

- B. Summarize the circumstances that require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The revisions are required to protect the health and safety of children and to simplify and clarify policy.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session.

1. Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No

2. If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ Yes. If yes, attach documentation.

(b) _____ NO. If no, provide justification as to why this rule change should be published at this time.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY15-16	FY16-17	FY17-18
PERSONAL SERVICES			
OPERATING EXPENSES	-0-	-0-	-0-
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
MAJOR REPAIR & CONSTR.			
POSITIONS (#)			
TOTAL	-0-	-0-	-0-

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The proposed policies will have no effect on costs or savings to state or local governmental units.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY15-16	FY16-17	FY17-18
STATE GENERAL FUND			
AGENCY SELF-GENERATED	-0-	-0-	-0-
DEDICATED			
FEDERAL FUNDS			
OTHER (Specify)			
TOTAL	-0-	-0-	-0-

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The Department has the necessary funds to implement the proposed action.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

The proposed action will not result in any cost, savings, or workload adjustment to local school systems.

2. Indicate the sources of funding of the local governmental unit that will be affected by these costs or savings.

No sources of funding will be affected.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

The Department of Education may see a reduction in revenue collections as the policy changes the fee for getting a different license to \$25. The current policy requires a fee based on the capacity of the child care center. The fees range from \$25 to \$250. Whether there is a reduction or an increase will depend on the volume of requests for changes.

REVENUE INCREASE/DECREASE	FY15-16	FY16-17	FY17-18
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF GENERATED	-----Indeterminable-----		
RESTRICTED FUNDS*			
FEDERAL FUNDS			
LOCAL FUNDS			
TOTAL	-----Indeterminable-----		
Specify the particular fund being impacted.			

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

This proposed action will have no effect on revenue collection.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

Child care providers may benefit from a reduction in the cost for getting a different license. The proposed policy requires a fee of \$25. The current policy requires a fee based on the capacity of the child care center. The fees range from \$25 to \$250. Child care providers may also experience a savings from the change in transportation policy. When transporting children four years of age and older, a driver with a communications device will not need to be accompanied by an extra staff member.

The clarification of policy regarding continuing education will not result in increased hours, but staff members who are never left alone with children and who do not have supervisory or disciplinary authority over children are only required to have three hours of continuing education, which is a reduction in hours for such staff. The policy revision also clarifies that pediatric first aid/CPR training does count as continuing education hours.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

No impact on income is anticipated as a result of this rule change.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The policy will have no effect on competition and employment.

COMPARISON DOCUMENT

**Title 28
EDUCATION**

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

Chapter 7. Licensing Process and Procedures

§709. Validity of Licenses

A. – B. ...

C. When a business is sold, discontinued, the operation has moved to a new location, or the license has been revoked, the ~~current~~ existing license immediately becomes null and void and the licensee shall surrender the existing license to the Licensing Division.

D. – H. ...

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, amended LR 42;

Chapter 9. Changes Requiring a New License

§905. Change in License Type

A. ...

~~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: To change license type, an early learning center shall submit a written request to change its license type and a \$25 change fee to the Licensing Division.~~

~~1.—written request from the center;~~

~~2.—full licensure fee; and~~

~~3.—verification of compliance with current early learning center regulations.~~

C. Upon receipt of the written request and fee, and verification of substantial compliance with the applicable licensing regulations, the Licensing Division shall issue a replacement license of the new type to the center and the center shall surrender its existing license to the Licensing Division.

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, amended LR 42;

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

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

A. ...

B. The denial, revocation or refusal to renew shall be effective when notice is given and the center shall surrender its existing license to the Licensing Division.

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), LR: 42;

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

A. – B. ...

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.~~ unless the Licensing Division determines that the health, safety or welfare of children in care imperatively requires immediate closure of the center and incorporates that finding in its notice of revocation.

D. – H. ...

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), LR 42

Chapter 17. Minimum Staffing Requirements and Standards

§1713. Supervision

A. – F. ...

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 and can see 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. – I. ...

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), LR 42:

§1719. Orientation Training

A. – A.4. ...

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. – 5. ...

6. ~~CPR and first aid, as applicable.~~

C. – C.5. ...

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, amended LR 42:

§1721. Continuing Education

A. Early learning centers shall provide opportunities for continuing education of staff members who are left alone with children, or who have supervisory or disciplinary authority over children.

1. ~~The center~~ Such staff members of Type II and Type III centers, excluding foster grandparents, shall obtain a minimum of 12 clock hours of training annually continuing education per center anniversary year. ~~in the topics found in §1719.A and B.~~

2. ~~The center~~ Such staff members of Type I centers, excluding foster grandparents, shall obtain a minimum of 3 clock hours of training annually continuing education per center anniversary year in the topics found in §1719.A and B.

a. Beginning July 1, 2015, such staff members of Type I centers, excluding foster grandparents, shall obtain a minimum of 6 clock hours of continuing education per center anniversary year.

b. Beginning July 1, 2016, such staff members of Type I centers, excluding foster grandparents, shall obtain a minimum of 9 clock hours of continuing education per center anniversary year.

c. Beginning July 1, 2017, such staff members of Type I centers, excluding foster grandparents, shall obtain a minimum of 12 clock hours of continuing education per center anniversary year. ~~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.~~ Staff members of Type I, Type II and Type III centers who are neither left alone with children, nor have supervisory or disciplinary authority over children, shall obtain a minimum of three clock hours of continuing education in job related topics per center's anniversary year.

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. Continuing education 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.~~

D. Continuing education hours shall be in the areas of:

1. child development;

2. child guidance;

3. child abuse prevention;

4. emergency preparation;

5. licensing regulations;

6. learning activities;
7. health and safety;
8. shaken baby prevention;
9. CPR;
10. first aid and;
11. management/administrative education.

E. The three hours of training by a child care health consultant on infectious diseases, health and safety, and/or food service preparation required in LAC 51:XXI.301.A.9 shall not count towards continuing education hours for staff members.

F. Pediatric first aid training and infant/child/adult CPR training may count as continuing education in the anniversary year in which it is taken.

G. Medication administration training by a Child Care Health Consultant may count as continuing education in the anniversary year in which it is taken.

H. 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), LR 42:

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

§1901. General Safety Requirements

A. – A.4. ...

~~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.~~

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

~~C.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.

~~D.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.

~~E.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.~~

~~E.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.~~

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

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

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

I.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.

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

L.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.

M.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.

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

O.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.

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

Q.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.

R.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, amended LR 42;

Chapter 21. Minimum Transportation Requirements and Standards

§2103. Daily Transportation (Contract or Center Provided)

A. – C. ...

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.~~ A driver and at least one staff member must be in a contracted or center-provided vehicle at all times when transporting children, and minimum child to staff ratios must be met. However, when transporting children ages 4 and older only, if the vehicle has a communication device that allows the driver to contact emergency personnel, and the driver does not leave the vehicle while children are present in the vehicle, only the driver is required to be present in the vehicle and minimum child to staff ratios are not required to be met.

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.~~ A contracted driver shall be considered a staff member for purposes of this Subsection if the driver is in compliance with the transportation regulations in Chapter 21 of this Bulletin, including but not limited to maintaining a daily passenger log in compliance with §2103.F, and completing and documenting a visual passenger check of the vehicle at the end of each route in compliance with §2107.A.

E. – F.3.g. ...

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, amended LR 42;