NOTICE OF INTENT

Board of Elementary and Secondary Education

Part CLXV. Bulletin 139--Louisiana Child Care and Development Fund Programs

(LAC 28: CLXV.309, 311, 313, 321, 509, and 511)

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 to revise *Bulletin 139--Louisiana Child Care and Development Fund Programs* §309. Specific Certification and Registration Requirements for Family Child Care Providers, §311. Specific Certification Requirements for In-Home Child Care Providers, §313. Specific Certification Requirements for Public School and BESE-approved Nonpublic School Child Care Centers; §321. Revocation or Refusal of Renewal of Certification and Ineligibility Periods for Providers, §509. Certification Requirements for Non-Categorically Eligible Households, and §511. Household Certification Period. The proposed revisions align the Louisiana Child Care Assistance Program (CCAP) with federal requirements and revise CCAP work and job training requirements.

Title 28
EDUCATION

Part CLXV. Bulletin 139--Louisiana Child Care and Development Fund Programs

Chapter 3. CCAP Provider Certification

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

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

1. – 9. …

10. Pre-Service Orientation Training. Complete the following training prior to initial certification, maintain documentation verifying completion of the training, and submit the documentation with the application for certification to the department:

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

b. training that includes information on the following:

i. prevention and control of infectious disease;

ii. immunization schedules and requirements;

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

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

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

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

11. Annual Training. Annually complete 12 clock hours of training in safety and health topics and job-related subject areas approved by the department. Documentation verifying completion of the required training shall be maintained by the provider and made available for inspection upon request by the department. Pre-Service Orientation training counts toward the annual training requirement in the certification period taken.

12. – 16. …

17. Emergency Preparedness Disaster Plan. Develop, practice and train on, and follow, a written Emergency Preparedness Disaster Plan that includes at a minimum:

a. procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions;

b. procedures for all adults living in, or working in the residence where care is provided, or working on the property where care is provided; and

c. appropriate emergency phone numbers, such as fire and police, hospitals and Louisiana Poison Control, and the physical address and phone number for the residence in which care is provided posted in a prominent, easily visible location.

A.18. – B. …

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2111 (October 2015), amended LR 42:.

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

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

1. – 8. …

9. Pre-Service Orientation Training. Complete the following training prior to initial certification, maintain documentation verifying completion of the training and submit the documentation with the application for certification to the department:

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

b. training that includes information on the following:

i. prevention and control of infectious disease;

ii. immunization schedules and requirements;

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

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

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

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

10. Annual Training. Annually complete 12 clock hours of training in safety and health topics and job-related subject areas approved by the department. Documentation verifying completion of the required training shall be maintained by the provider and made available for inspection upon request by the department. Pre-Service Orientation training counts toward the annual training requirement in the certification period taken.

11. – 15. …

16. Emergency Preparedness Disaster Plan. Develop, practice and train on, and follow, a written Emergency Preparedness Disaster Plan that includes at a minimum:

a. procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions; and

b. procedures for all adults living in, or working in the residence where care is provided, or working on the property where care is provided;

c. appropriate emergency phone numbers, such as fire and police, hospitals and Louisiana Poison Control, and the physical address and phone number for the residence in which care is provided posted in a prominent, easily visible location.

A. 17. – B. …

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2112 (October 2015), amended LR 42:.

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

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

B. Emergency Preparedness Disaster Plan. Develop, practice and train on, and follow, a written Emergency Preparedness Disaster Plan that includes at a minimum:

1. procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, accommodation of infants and toddlers (if applicable), children with disabilities, and children with chronic medical conditions;

2. procedures for staff and volunteer emergency preparedness training and practice drills; and

3. appropriate emergency phone numbers, such as fire and police, hospitals and Louisiana Poison Control, and the physical address and phone number for the facility in which care is provided posted in a prominent, easily visible location.

C. Pre-Service Orientation. Provider has in place pre-service orientation, and procedures and training included in other applicable BESE Bulletins on the following safety and health topics:

1. Prevention and control of infectious diseases (including immunization)
2. Prevention of sudden infant death syndrome and use of safe sleeping practices, if applicable
3. Administration of medication, consistent with standards for parental consent
4. Prevention of and response to emergencies due to food and allergic reactions
5. Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic
6. Prevention of shaken baby syndrome and abusive head trauma, if applicable
7. Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event
8. Handling and storage of hazardous materials and the appropriate disposal of bio contaminants
9. Precautions in transporting children (if applicable)
10. First aid and cardiopulmonary resuscitation (CPR).

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

E. Monitoring: Department will monitor compliance at a minimum annually.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2113 (October 2015), amended LR 42:.

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

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

1. – 9. …

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

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

1. for the first violation, issue a written notice of violation that informs provider that continued or additional violations may result in the termination or refusal to renew certification and a period of ineligibility;

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

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

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

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2114 (October 2015), amended LR 42:.

Chapter 5. CCAP Household Eligibility

§509. Certification Requirements for Non-Categorically Eligible Households

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

1. – 4. ...

5. training or employment activities.

a. Unless disabled as established by receipt of Social Security Administration disability benefits, supplemental security income, Veterans' Administration disability benefits for a disability of at least 70 percent, or unless disabled and unable to care for his or her child(ren), as verified by a doctor's statement or by worker determination, the head of household must meet the training or employment activity requirements of:

i. being employed for a minimum average of 20 hours per week and all countable employment hours must be paid at least at the federal minimum hourly wage;

ii. attending a job training or educational program for a minimum average of 20 hours per week (attendance at a job training or educational program must be verified, including the expected date of completion); or

iii. being enrolled as a full-time student in an education or training program resulting in a degree or certificate designed to promote job skills and employability. Full-time status is determined by the institution, which must be accredited by the State of Louisiana or a national organization.

(a). The LDE shall review documentation provided by the institution and verify that it is an education or training program providing degrees or certificates designed to promote job skills and employability. Full-time status at an institution that does not promote job skills and employability may not meet the activity requirements of this paragraph.

iv. being engaged in some combination of employment which is paid at least at the federal minimum hourly wage, or job training, or education as defined in Subparagraph b of this Paragraph that averages at least 20 hours per week.

b. Exception. The employment and training activity requirements provided in this Paragraph may be waived for a period of one year from the effective date of certification of eligibility for parents or persons acting as parents who are experiencing homelessness and who demonstrate that they are seeking employment or participating in a transitional living program as defined in §103. There is a one year lifetime maximum for this exception.

c. Exception. If the number of children served drops below 12,500 and funding is available, the 20-hour training ~~and~~/or employment requirement referenced in this Section may be reduced by the department until 12,500 children are being served.

d. Exception. The employment and training activity requirements provided in this Paragraph may be reduced to an average of 15 hours per week for households that qualify for Special Needs Child Care.

e. The Department shall conduct analysis of the impact of training and employment requirements on child care participation and workforce participation and shall produce a report with policy recommendations no later than August 2019.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016), amended LR 42:.

§511. Household Certification Period

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

B. Households relying on the exception to eligibility requirements for parents and persons acting as parents who are experiencing homelessness, as provided in §509.A.5.b, and that have the 20 hours per week employment and training requirement waived, may be certified for up to one year.

C. A graduated phase-out of assistance for families whose income has increased at the time of redetermination, but remains below the federal threshold of 85 percent of State median income will receive two (2) additional months of assistance.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:44 (January 2016), amended LR 42:.

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

Person Preparing Statement: Ryan Gremillion
Phone: 225-342-1501
Division: Policy Office
Rule Title: Part CLXV. Bulletin 139 Louisiana Child Care and Development Fund Programs

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:

I. WILL THE PROPOSED RULE AFFECT THE STABILITY OF THE FAMILY?

(X) 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?

(X) No
( ) Yes
( ) Lacks sufficient information to determine.

3. WILL THE PROPOSED RULE AFFECT THE FUNCTIONING OF THE FAMILY?

(X) No
( ) Yes
( ) Lacks sufficient information to determine

4. WILL THE PROPOSED RULE AFFECT FAMILY EARNINGS AND FAMILY BUDGET?

(X) No
( ) Yes
( ) Lacks sufficient information to determine

5. WILL THE PROPOSED RULE AFFECT THE BEHAVIOR AND PERSONAL RESPONSIBILITY OF CHILDREN?

(X) 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
(X) Yes
( ) Lacks sufficient information to determine

Signature of Contact Person: Ryan Gremillion
Date Submitted: 8/23/16

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

Person Preparing Statement: Ryan Gremillion

Phone: 225-342-1501

Division: Policy Office

Rule Title: Part CLXV. Bulletin 139 Louisiana Child Care and Development Fund Programs

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?

   (X) No
   ( ) Yes
   ( ) Lacks sufficient information to determine

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

   ( ) No
   (X) Yes
   ( ) Lacks sufficient information to determine

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

   (X) No
   ( ) Yes
   ( ) Lacks sufficient information to determine

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

   (X) 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?

   (X) No
   ( ) Yes
   ( ) Lacks sufficient information to determine

Signature of Contact Person: Ryan Gremillion

Date Submitted: 8/23/16

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., October 9, 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

rec'd from LDE 9/8/16
to LFO 9/8/16
back from LFO 9/8/16

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

Person Preparing Statement: Ryan Gremillion

Dept.: LA Department of Education Board of Elementary & Secondary Education

Phone: (225) 342-1501

Office: Policy

Return Address: P. O. Box 94064 Baton Rouge, LA

Rule Title: Part CLXV. Bulletin 139: Louisiana Child Care and Development Fund Programs

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)

There will be an increase in Child Care Assistance Program (CCAP) payments made by the Louisiana Department of Education (LDE) to child care providers on behalf of eligible children of those families who meet the new definition of full time employment, who qualify under the student status, or who are eligible for additional payments under the graduated phase out period. CCAP subsidies are funded through the federal Child Care and Development Fund. The extent of the increase is indeterminable and will depend upon the number of eligible families approved for the subsidy under these new parameters.

The proposed revisions align the Louisiana Child Care Assistance Program (CCAP) with federal requirements and revise CCAP work and job training requirements. Full time employment is now defined as an average 20 hours per week, down from 30; and full time student status for certain degree/certificate programs may also qualify for participation. Finally, changes provide for a graduated phase out of assistance for certain families.

The revisions also require child care providers to expand emergency planning to develop, practice, and train on a written emergency disaster plan, and provide for specific components of such plans. Finally, the changes require that certain orientation training be completed prior to initial certification rather than within six months of initial certification.

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

This policy change will have no effect on revenue collections of state or local governmental units.

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

There will be a benefit for those families which may qualify for CCAP subsidies under the new work/student status criteria and for those which may receive continued benefits under a graduated phase out.

The impacts of a more expansive emergency disaster plan and training on child care providers is indeterminable since providers are already required to have emergency planning. Depending upon their existing resources, some providers may require outside assistance in developing new plans containing the required detailed procedures. Local resources and expertise may be available from local emergency response organizations and Resource and Referral agencies, which provide support and assistance. However, to the extent these resources are insufficient

to meet the demand, providers may seek other assistance, any associated costs of which are unknown.

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 Brasseal, Staff Director

Legislative Fiscal Officer or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance

Typed Name and Title of Agency Head or Designee

9/8/16

Date of Signature

9/8/16

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 revisions reduce the work or job training requirement to 20 hours from 30 hours a week; allow students, who are enrolled as a full-time student in an education and/or training program resulting in a degree or certificate designed to promote job skills and employability, to participate (full-time status is determined by the institution, which must be accredited by the state of Louisiana or a national organization); and provide for a graduated phase-out period of two months for families, which are above the income limits, when seeking redetermination.

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

   To address record low numbers of families accessing child care assistance, the Louisiana Department of Education is proposing to revise eligibility requirements to better meet the needs of low-income, working families in Louisiana. Louisiana's requirements are among the most stringent in the country. These eligibility requirements mean that a record low number of children are accessing high-quality care. Fewer working families are able to access stable care that supports their self-sufficiency.

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.

      Yes.

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

      (a) _X____ Yes. If yes, attach documentation.
      (b)_____ NO. If no, provide justification as to why this rule change should be published at this time.

      Child Care Assistance payments are made from funds received annually through the federal Child Care and Development Fund block grant. Expenditure authority for these funds is appropriated in Act 17 of 2016 (the General Appropriation Bill).

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	FY16-17	FY17-18	FY18-19
PERSONAL SERVICES			
OPERATING EXPENSES	-0-	-0-	-0-
PROFESSIONAL SERVICES			
OTHER CHARGES	Increase	Increase	Increase
EQUIPMENT			
MAJOR REPAIR & CONSTR.			
POSITIONS (#)			
TOTAL	Increase	Increase	Increase

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.

   There will be an increase in Child Care Assistance Program (CCAP) payments made by the Louisiana Department of Education (LDE) to child care providers on behalf of eligible children of those families who meet the new definition of full time employment, who qualify under the student status, or who are eligible for additional payments under the graduated phase out period. CCAP subsidies are funded through the federal Child Care and Development Fund. The extent of the increase is indeterminable and will depend upon the number of eligible families approved for the subsidy under the new parameters.

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

SOURCE	FY16-17	FY17-18	FY18-19
STATE GENERAL FUND			
AGENCY SELF-GENERATED	-0-	-0-	-0-
DEDICATED			
FEDERAL FUNDS			
OTHER (Specify)	Increase	Increase	Increase
TOTAL	Increase	Increase	Increase

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. The CCAP program is funded with federal block grant funds from the Child Care and Development Fund. Expenditure authority is provided in the General Appropriation Bill (Act 17 of 2016). Future availability of funds will be impacted by the level of CCDF funding received by the LDE and the allocation of other required expenditures from the fund.

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?

This proposed action will have no effect on revenue collection.

REVENUE INCREASE/DECREASE	FY16-17	FY17-18	FY18-19
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF GENERATED			
RESTRICTED FUNDS*			
FEDERAL FUNDS			
LOCAL FUNDS			
TOTAL	-0-	-0-	-0-

*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.

There will be a benefit for those families which may qualify for CCAP subsidies under the new work/student status criteria and for those which may receive continued benefits under a graduated phase out.

The impact of a more expansive emergency disaster plan and training on child care providers is indeterminable since providers are already required to have emergency planning. Depending upon existing resources, some providers may require outside assistance in developing new plans, the cost of which is unknown.

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 CLXV. Bulletin 139--Louisiana Child Care and Development Fund Programs

Chapter 3. CCAP Provider Certification

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

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

1. – 9. …

10. ~~Orientation Training. Within six months of initial certification, complete the following training, maintain documentation verifying completion of the training, and make the documentation available for inspection upon request by the department:~~ Pre-Service Orientation Training. Complete the following training prior to initial certification, maintain documentation verifying completion of the training, and submit the documentation with the application for certification to the department:

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

b. training that includes information on the following:

i. prevention and control of infectious disease;

ii. immunization schedules and requirements;

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

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

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

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

11. Annual Training. Annually complete 12 clock hours of training in safety and health topics and job-related subject areas approved by the department. Documentation verifying completion of the required training shall be maintained by the provider and made available for inspection upon request by the department. Pre-Service Orientation training counts toward the annual training requirement in the certification period taken.

12. – 16. …

17. ~~Emergency Planning. Have appropriate emergency phone numbers, such as fire and police, hospitals and Louisiana Poison Control, and the physical address and phone number for the residence in which care is provided posted in a prominent, easily visible location, and have a written emergency plan that protects children in the event of fire, flood, storm, hurricane, tornado, and snow and ice.~~ Emergency Preparedness Disaster Plan. Develop, practice and train on, and follow, a written Emergency Preparedness Disaster Plan that includes at a minimum:

a. procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions;

b. procedures for all adults living in, or working in the residence where care is provided, or working on the property where care is provided; and

c. appropriate emergency phone numbers, such as fire and police, hospitals and Louisiana Poison Control, and the physical address and phone number for the residence in which care is provided posted in a prominent, easily visible location.

A.18. – B. …

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2111 (October 2015), amended LR 42:.

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

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

1. – 8. …

9. ~~Orientation Training. Within six months of initial certification, complete training on the following. Documentation verifying completion of the trainings shall be maintained by the provider and available for inspection upon request by the department~~: Pre-Service Orientation Training. Complete the following training prior to initial certification, maintain documentation verifying completion of the training and submit the documentation with the application for certification to the department:

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

b. training that includes information on the following:

i. prevention and control of infectious disease;

ii. immunization schedules and requirements;

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

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

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

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

10. Annual Training. Annually complete 12 clock hours of training in safety and health topics and job-related subject areas approved by the department. Documentation verifying completion of the required training shall be maintained by the provider and made available for inspection upon request by the department. Pre-Service Orientation training counts toward the annual training requirement in the certification period taken.

11. – 15. ...

16. ~~Emergency Planning. Have appropriate emergency phone numbers, such as fire and police, hospitals and Louisiana Poison Control, and the physical address and phone number for the home in which care is provided posted in a prominent, easily visible location, and have a written emergency plan that protects children in the event of fire, flood, storm, hurricane, tornado, and snow and ice.~~ Emergency Preparedness Disaster Plan. Develop, practice and train on, and follow, a written Emergency Preparedness Disaster Plan that includes at a minimum:

a. procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions; and

b. procedures for all adults living in, or working in the residence where care is provided, or working on the property where care is provided;

c. appropriate emergency phone numbers, such as fire and police, hospitals and Louisiana Poison Control, and the physical address and phone number for the residence in which care is provided posted in a prominent, easily visible location.

A. 17. – B. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2112 (October 2015), amended LR 42:.

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

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

B. Emergency Preparedness Disaster Plan. Develop, practice and train on, and follow, a written Emergency Preparedness Disaster Plan that includes at a minimum:

1. procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, accommodation of infants and toddlers (if applicable), children with disabilities, and children with chronic medical conditions;

2. procedures for staff and volunteer emergency preparedness training and practice drills; and

3. appropriate emergency phone numbers, such as fire and police, hospitals and Louisiana Poison Control, and the physical address and phone number for the facility in which care is provided posted in a prominent, easily visible location.

C. Pre-Service Orientation. Provider has in place pre-service orientation, and procedures and training included in other applicable BESE Bulletins on the following safety and health topics:

1. Prevention and control of infectious diseases (including immunization)
2. Prevention of sudden infant death syndrome and use of safe sleeping practices, if applicable
3. Administration of medication, consistent with standards for parental consent
4. Prevention of and response to emergencies due to food and allergic reactions
5. Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic
6. Prevention of shaken baby syndrome and abusive head trauma, if applicable
7. Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event
8. Handling and storage of hazardous materials and the appropriate disposal of bio contaminants
9. Precautions in transporting children (if applicable)
10. First aid and cardiopulmonary resuscitation (CPR).

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

E. Monitoring: Department will monitor compliance at a minimum annually.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2113 (October 2015), amended LR 42:.

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

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

1. – 9. …

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

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

1. for the first violation, issue a written notice of violation that informs provider that continued or additional violations may result in the ~~revocation~~ termination or refusal to renew certification and a period of ineligibility;

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

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

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

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2114 (October 2015), amended LR 42: .

Chapter 5. CCAP Household Eligibility

§509. Certification Requirements for Non-Categorically Eligible Households

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

1. – 4. …

5. training or employment activities.

a. Unless disabled as established by receipt of Social Security Administration disability benefits, supplemental security income, Veterans' Administration disability benefits for a disability of at least 70 percent, or unless disabled and unable to care for his or her child(ren), as verified by a doctor's statement or by worker determination, the head of household must meet the training or employment activity requirements of:

i. being employed for a minimum average of ~~30~~ 20 hours per week and all countable employment hours must be paid at least at the federal minimum hourly wage;

ii. attending a job training or educational program for a minimum average of ~~30~~ 20 hours per week (attendance at a job training or educational program must be verified, including the expected date of completion); or

iii. being enrolled as a full-time student in an education or training program resulting in a degree or certificate designed to promote job skills and employability. Full-time status is determined by the institution, which must be accredited by the State of Louisiana or a national organization.

(a). The LDE shall review documentation provided by the institution and verify that it is an education or training program providing degrees or certificates designed to promote job skills and employability. Full-time status at an institution that does not promote job skills and employability may not meet the activity requirements of this paragraph.

iv. being engaged in some combination of employment which is paid at least at the federal minimum hourly wage, or job training, or education as defined in Subparagraph b of this Paragraph that averages at least ~~30~~ 20 hours per week.

b. Exception. The employment and training activity requirements provided in this Paragraph may be waived for a period of ~~180 days~~ one year from the effective date of certification of eligibility for parents or persons acting as parents who are experiencing homelessness and who demonstrate that they are seeking employment or participating in a transitional living program as defined in §103. There is a ~~six-month~~ one year lifetime maximum for this exception.

c. Exception. If the number of children served drops below 12,500 and funding is available, the ~~30~~ 20-hour training ~~and~~/or employment requirement referenced in this Section may be reduced by the department until 12,500 children are being served.

d. Exception. The employment and training activity requirements provided in this Paragraph may be reduced to an average of 15 hours per week for households that qualify for Special Needs Child Care.

e. The Department shall conduct analysis of the impact of training and employment requirements on child care participation and workforce participation and shall produce a report with policy recommendations no later than August 2019.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016), amended LR 42:.

§511. Household Certification Period

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

B. Households relying on the exception to eligibility requirements for parents and persons acting as parents who are experiencing homelessness, as provided in §509.A.5.e–b, and that have the ~~30~~ 20 hours per week employment and training requirement waived, may be certified for up to ~~six months~~ one year.

C. A graduated phase-out of assistance for families whose income has increased at the time of redetermination, but remains below the federal threshold of 85% of State median income will receive two (2) additional months of assistance.

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

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