

COMPARISON DOCUMENT

Title 28

EDUCATION

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

Chapter 1. General Provisions

§103. Definitions

CCCBC—child care criminal background check.

Camp—any place or ~~facility center~~ operated by any institution, society, agency, corporation, person or persons, or any other group which meets any of the following: that serves only children ages five and older and operates only when schools are not in session for the summer months or school holidays.

1. Serves only children three years of age or older only when school is not in session during the summer months or school holidays.

2. Is a tax exempt church or religious organization in accordance with 26 U.S.C. 501(c) of the Internal Revenue Code that operates a Vacation Bible School, Bible Camp, or religious camp for children of any age.

3. Operates only an after-school or weekend extracurricular, academic, or athletic program, including any competition related to the program, or an after-school or weekend tutoring program or other educational or enrichment program.

Disqualification Period—the prescriptive period during which a center shall not be qualified to submit an application for licensure after its license has been revoked, renewal has been refused or its license has been surrendered to avoid adverse action due to failure to comply with licensing laws, regulations or minimum standards.

Early Learning Center—any child day care center, early head start center, head start center, ~~nonpublic school prekindergarten program,~~ or stand-alone early learning prekindergarten program that is not ~~attached to a part of an elementary school as defined in R.S. 17:236.~~ The definition does not include ~~Montessori schools, grades kindergarten and above, prekindergarten programs part of a nonpublic or public elementary school as defined in R.S. 17:236,~~ Mother's Day Out programs, care given without charge, camps, and registered family child day care homes.

Prekindergarten Programs—

1. per R.S. 17:24.8(A)(1), the youngest age at which a child may enter prekindergarten at a local public school is four years on or before September 30 of the calendar year in which the school year begins;

2. per R.S. 17:24.8(A)(2)(B), the youngest age at which a child may enter prekindergarten at a BESE-approved nonpublic school is 3 years old by September 30 of the year in which the child enrolls in prekindergarten.

3. A stand-alone prekindergarten program that is not part of a public or nonpublic elementary school is not considered a prekindergarten program for the purposes of this Part and must be licensed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.31 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:616 (April 2015), effective July 1, 2015, amended LR 41:2103 (October 2015), LR 43:638 (April 2017), LR 44:247 (February 2018), effective March 1, 2018, LR 44:1858 (October 2018), LR 47:1274 (September 2021), LR 49:1710 (October 2023), LR 50:967 (July 2024), LR 52:24 (January 2026), LR 52:

Chapter 3. Licensure

§301. Requirement of Licensure

A. – B.

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C. A prekindergarten program operated by a nonpublic school serving children in grades kindergarten and above, and in which all children have not reached age ~~three~~ five by September 30 of the current school year, shall be licensed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.34 and R.S. 17:407.24.8, LR 52:

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, amended LR 52:25 (January 2026), LR 52:

§303. Exemptions from Licensure

A. A BESE-approved nonpublic or public day school serving children in grades kindergarten and above, including any pre-kindergarten attached thereto, except as provided in ~~§301-B of this Chapter~~, is exempt from the provisions of this bulletin. A nonpublic day school serving only children in grades kindergarten and above is exempt from the provisions of this Part.

B. – D. ...

E. A nonpublic school in which the prekindergarten program is accredited or provisionally accredited by the Louisiana Montessori Association and all children have reached age three by September 30 of the current school year is exempt from the provisions of this Part.

F. A registered family child day care home or Mother's Day Out program is exempt from the provisions of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.35.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, LR 47:1275 (September 2021), LR 52:25 (January 2026), LR 52:

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

Chapter 1. Child Care Assistance Program

§103. Definitions

CCCBC—child care criminal background check.

Camp—any place or facility operated by any institution, society, agency, corporation, person or persons, or any group which meets any of the following:

1. Serves only children three years of age or older only when school is not in session during the summer months or school holidays.

2. Is a tax exempt church or religious organization in accordance with 26 U.S.C. 501(c) of the Internal Revenue Code that operates a Vacation Bible School, Bible Camp, or religious camp for children of any age.

3. Operates only an after-school or weekend extracurricular, academic, or athletic program, including any competition related to the program, or an after-school or weekend tutoring program or other educational or enrichment program.

Determination of Eligibility—determination by the department of a person's eligibility for child care purposes based on the results of a child care criminal background check (CCCBC).

Early Learning Center—any child day care center, early head start center, head start center, ~~nonpublic school prekindergarten program~~, or stand-alone early learning ~~prekindergarten~~ program that is not attached to a part of an elementary school as defined in R.S. 17:236. The definition does not include ~~Montessori schools, grades kindergarten and above, prekindergarten programs part of a nonpublic or public elementary school as defined in R.S. 17:236, Mother's Day Out programs, care given without charge,~~ camps, and registered family child day care homes.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2109 (October 2015), amended LR 42:42 (January 2016), LR 42:1870 (November 2016), LR 43:1279 (July 2017), LR 44:257 (February 2018), effective March 1, 2018, LR 44:800 (April 2018), LR 47:1279 (September 2021), LR 48:30 (January 2022), LR 48:1006 (April 2022), LR 49:1208 (July 2023), LR 50:969 (July 2024), LR 51:524 (April 2025), LR 52:28 (January 2026), LR 52:

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 3. Operation and Administration

§325. Kindergarten and Prekindergarten

A. – D.2.

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3. A parent who enrolls a child in such a prekindergarten program shall be provided the following information:

a. The program is operated by a school.

b. The program is not subject to federal daycare regulations pursuant to 45 CFR §98, or its successor.

c. The program is not an early learning center licensed by LDOE.

d. The monitoring and complaint processes as provided in R.S. 17:407.41.

E. – E.3.b.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.8, R.S. 17:151.3, and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1260 (June 2005), amended LR 39:2196 (August 2013), LR 49:249 (February 2023), repromulgated LR 49:855 (May 2023), amended LR 51:955 (July 2025), LR 52:

§326. Child Safety and Welfare ~~Minimum~~ Standards

A. To ensure the safety and welfare of children, ~~all early learning centers and all public and nonpublic prekindergarten programs shall, at a minimum, meet minimum standards in accordance with this Chapter. As used in this Section, center includes both early learning centers and prekindergarten programs.~~

B. ...

C. The child-to-staff ratios shall be in accordance with §913 of this Part. ~~not exceed the following:~~

1. – 6. Repealed.

D. An average of the child-to-staff ratios may be applied to mixed age groups of children ~~only for groups that include no children under the age of two.~~

E. – F.

Repealed.

G. Only staff members directly providing care, supervision, or guidance to children shall be counted in the child-to-staff ratios. ~~The~~ Except for transitions between activities or classrooms, the same staff members shall not be used to meet the ratio requirements for two different groups of children at the same time.

H. Sufficient staffing needed to satisfy child-to-staff ratios shall be present during rest time and available to assist as needed. Children ~~ages one and older~~ may be grouped together at rest time with one staff member in each room supervising the resting children.

I. Information regarding required child-to-staff ratios and a phone number to file complaints regarding supervision with LDOE, as applicable, shall be posted in each classroom in a location that is visible to parents.

J. – P.

...

Q. By August 1 annually, the LDOE shall provide an informational document to each ~~early learning center and prekindergarten program. The document shall be distributed~~ Each school with a prekindergarten program shall distribute the document to the parents and legal guardians of all children enrolled in the center or program at the beginning of each school year and may be distributed distribute the document electronically.

R. Prekindergarten Program Monitoring.

1. The LDOE shall conduct monitoring activities for compliance with the child safety and welfare standards in prekindergarten programs. Monitoring activities shall include an annual unannounced site visit and prompt response to reports of noncompliance with the child safety and welfare standards.

2. Any violation of the child safety and welfare standards shall be documented by the LDOE. Documentation shall include the specific standard violated and any corrective action taken and shall be posted on the corresponding page of the LDOE website.

3. The LDOE may issue a written warning to a school, which may include a corrective action plan, for any violation that does not pose an imminent threat to the health, safety, rights, or welfare of a child.

4. The LDOE shall provide written notification to the superintendent of the LEA for any complaint received by the department regarding a prekindergarten program in the school.

S. If a public prekindergarten program demonstrates persistent or egregious noncompliance with the provisions of this Section, the city, parish, or other local school board shall consider closure of the program or other measures deemed necessary to protect the safety and welfare of the prekindergarten children enrolled in the program. Consideration shall be at a public meeting held in accordance with Louisiana Open Meetings Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7, and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:2056 (December 2025), LR 52:

§345. Requesting Waivers of BESE Policy

A. – C.2.c.ii. ...

3. Prekindergarten Program Child-to-Staff Ratio Waivers.

a. The LEA shall provide a letter of justification documenting the clear and convincing evidence that the demonstrated economic impact is sufficiently great to make compliance impractical for the school despite diligent efforts. The letter shall include an explanation of the alternative means in place to ensure the health, safety, and well-being of students and staff.

b. A waiver granted under this Paragraph shall not relive a program of additional or more stringent requirements applicable by virtue of the program funding source, including any state or federal funding programs.

D. – E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.2(B)(5), R.S. 17:24.10(C)(1)(c), R.S. 17:151(B)(2), R.S. 17:192(B)(2), R.S. 17:274(D), and R.S. 17:416.2(B).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1264 (June 2005), amended LR 39:2198 (August 2013), LR 46:1085 (August 2020), LR 51:2057 (December 2025), LR 52:

Chapter 9. Scheduling

§913. Class Size and Ratios

A. – D.1. ...

E. Pupil to teacher ratios for special education students shall be in accordance with LAC 28:XLIII *Bulletin 1706*.

F. Effective beginning with the 2026-2027 school year, the child-to-staff ratio for public school prekindergarten programs shall not exceed the following:

1. Four years old, 20 to 1.

2. Five years old, 20 to 1.

NOTE: Refer to *Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act* for pupil/teacher ratios for special education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17: 151 and R.S. 17:174.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1272 (June 2005), amended LR 39:2205 (August 2013), LR 52:

Chapter 37. Glossary

§3703. Definitions

Board or *BESE*—the state Board of Elementary and Secondary Education.

Camp—any place or facility operated by any institution, society, agency, corporation, person or persons, or any group which meets any of the following:

1. Serves only children three years of age or older only when school is not in session during the summer months or school holidays.

2. Is a tax exempt church or religious organization in accordance with 26 U.S.C. 501(c) of the Internal Revenue Code that operates a Vacation Bible School, Bible Camp, or religious camp for children of any age.

3. Operates only an after-school or weekend extracurricular, academic, or athletic program, including any competition related to the program, or an after-school or weekend tutoring program or other educational or enrichment program.

Prekindergarten Pre-Kindergarten—developmental programs for children ages 3-4, the minimum age being ~~three~~ four by September 30 of the school year in which the student enters pre-kindergarten.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1316 (June 2005), amended LR 39:2231 (August 2013), LR 46:1673 (December 2020), amended LR 48:34 (January 2022), LR 49:648 (April 2023), LR 50:1149 (August 2024). LR 52:

Part LXXIX. *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*

Chapter 1. Operation and Administration

§107. School Approval

A. – J.

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K. BESE shall approve a prekindergarten program developed by a nonpublic school if the program meets the requirements of and maintains substantial compliance with the child safety and welfare standards in accordance with Chapter 30 of this Part. The school shall submit an attestation of compliance with the initial or annual renewal application.

L. BESE may revoke approval of a prekindergarten program operated by a nonpublic school at any time if the board determines that the program jeopardized the health, safety, or welfare of its students. If a nonpublic school operating a prekindergarten program demonstrates persistent or egregious noncompliance with the standards, the LDOE shall make a recommendation to BESE to deny the initial or renewal application of the prekindergarten program for the subsequent school year unless substantive assurance for compliance is provided by the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2342 (November 2003), amended LR 31:3073 (December 2005), LR 36:2847 (December 2010), LR 37:2145 (July 2011), LR 39:306 (February 2013), LR 39:1438 (June 2013), LR 39:3070 (November 2013), LR 50:174 (February 2024), LR 51:2053 (December 2025), LR52:

§115. Pre-Kindergarten/Kindergarten

A. The governing authority of any BESE-approved nonpublic elementary school may develop and offer a prekindergarten program of instruction. A parent who enrolls a child in such a program shall be provided the following information: The nonpublic school shall have the option of establishing a pre-kindergarten and/or kindergarten program on a half-day or full-day schedule.

1. The program is operated by a school.

2. The program is not subject to federal daycare regulations pursuant to 45 CFR §98, or its successor.

3. The program is not an early learning center licensed by LDOE.

4. The monitoring and complaint processes as provided in R.S. 17:407.41.

B. – E.

...

F. Any other program which operates in a school as a childcare program shall follow the day-care standards in accordance with LAC 28:CLXI *Bulletin 137* as prescribed by the appropriate state agency and is not to be listed on the annual school report.

G. All prekindergarten programs shall comply with the child safety and welfare standards in accordance with §3019 of this Part, except as otherwise provided in §116 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3073 (December 2005), LR 36:2848 (December 2010), LR 38:1405 (June 2012), LR 39:1439 (June 2013), LR 52:

§116. Prekindergarten Program Monitoring

A. The LDOE shall conduct monitoring activities for compliance with the child safety and welfare standards in prekindergarten programs. Monitoring activities shall include an annual unannounced site visit and prompt response to reports of noncompliance with the child safety and welfare standards.

B. Any violation of the child safety and welfare standards shall be documented by the LDOE. Documentation shall include the specific standard violated and any corrective action taken and shall be posted on the corresponding page of the LDOE website.

C. The LDOE may issue a written warning to a school, which may include a corrective action plan, for any violation that does not pose an imminent threat to the health, safety, rights, or welfare of a child.

D. The LDOE shall provide written notification to the governing authority of a nonpublic school for any complaint received by the department regarding a prekindergarten program in the school.

E. A BESE accredited approved nonpublic school shall be exempt from the provisions of this Section contingent upon the following:

1. The school maintains accreditation in good standing with an accrediting organization recognized by BESE for the purpose of school approval;

2. The accrediting organization's standards include provisions addressing the supervision, health, safety, and welfare of students enrolled in a prekindergarten program operated by the accredited approved school that meet or exceed the child safety and welfare standards in accordance with §3019 of this Part; and

3. The school provides a written attestation to the LDOE, at the time of the annual school renewal application that the accrediting organization's standards meet or exceed the child safety and welfare standards in accordance with §3019 of this Part and provides documentation from the accrediting organization supporting the attestation.

F. A BESE non-accredited approved nonpublic school shall be exempt from the provisions of this Section if either of the following conditions are met:

1. The school meets all of the following criteria:

a. The school remains a member in good standing with an association or organization recognized by BESE for the purposes of this Section;

b. The association or organization's standards include provisions addressing the supervision, health, safety, and welfare of students enrolled in a prekindergarten program operated by a school that meet or exceed the child safety and welfare standards in accordance with §3019 of this Part; and

c. The school provides a written attestation to the LDOE, at the same time of its annual school approval application, that the association or organization's standards meet or exceed the child safety and welfare standards in accordance with §3019 of this Part and provides documentation from the association or organization supporting the attestation.

2. The LDOE recommends approval after an annual review of the school that may include site visits and shall include a review, at a minimum, of the health, safety, and welfare of the prekindergarten students.

G. A school, including a nonpublic school approved by BESE or a prekindergarten program attached thereto, that is operated by a federally recognized tribe pursuant to federal law, including the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), shall be exempt from the provisions of this Section. Nothing in this Subsection shall prohibit such a school or prekindergarten program from electing to seek or obtain approval by BESE.

H. A nonpublic school that operates a prekindergarten program and that does not receive any state or federal funds, either directly or indirectly, shall be exempt from the provisions of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7, R.S. 17:11, R.S. 17:24.8 R.S. 17:407.33, and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 52:

Chapter 7. Scheduling

§707. Class Size and Ratio

A. ...

B. The child-to-staff ratio ~~class-size~~ for pre-kindergarten developmental programs for four year-olds shall not exceed 20 children for one teacher. Schools that choose to use the assistance of a full-time aide may have a maximum of 30 children per class.

C. ...

D. Effective beginning with the 2027-2028 school year, the child-to-staff ratio for a prekindergarten developmental program for five-year-olds shall not exceed 20 to 1.

E. BESE may waive the ratio requirements in this Section if the board determines, upon clear and convincing evidence, that the demonstrated economic impact is sufficiently great to make compliance impractical for the school despite diligent efforts, and that alternative mean have been put in place that ensure the health, safety, and well-being of students and staff.

1. An application for a waiver and all supporting documentation shall be submitted in writing to the LDOE using the request for waiver form located on the department website.

2. The department shall submit the waiver request to the appropriate BESE committee with an executive recommendation for action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2347 (November 2003), amended LR 31:3078 (December 2005), LR 38:1405 (June 2012), LR 39:1442 (June 2013), LR 52:

Chapter 9. Student Services

§905. Age Requirements

A. – C. ...

D. The minimum age for children attending a camp shall be three years old.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3078 (December 2005), LR 36:2848 (December 2010), LR 38:1405 (June 2012), LR 52:

Chapter 30. Health and Safety Rules and Regulations for Approved Non-Public School Three-Year-Old Programs

§3019. Child Safety and Welfare ~~Minimum~~ Standards

A. To ensure the safety and welfare of children, ~~all early learning centers and all public and nonpublic school~~ prekindergarten programs shall, at a minimum, meet standards in accordance with this Chapter. ~~As used in this Section, center includes both early learning centers and prekindergarten programs.~~

B. ...

C. The child-to-staff ratios shall be in accordance with §707 of this Part. ~~not exceed the following:~~

1. – 6. Repealed.

D. An average of the child-to-staff ratios may be applied to mixed age groups of children ~~only for groups that include no children under the age of two.~~

E. – F. Repealed.

G. Only staff members directly providing care, supervision, or guidance to children shall be counted in the child-to-staff ratios. ~~The~~ Except for transitions between activities or classrooms, the same staff members shall not be used to meet the ratio requirements for two different groups of children at the same time.

H. ...

I. Information regarding required child-to-staff ratios and a phone number to file complaints regarding supervision with LDOE, as applicable, shall be posted in each classroom in a location that is visible to parents.

J. – P.

...

Q. By August 1 annually, the LDOE shall provide an informational document to each ~~early learning center and~~ prekindergarten program. ~~The document shall be distributed~~ Each school with a prekindergarten program shall distribute the document to the parents and legal guardians of all children enrolled in the center or program at the beginning of each school year and may be distributed distribute the document electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7, and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:2055 (December 2025), LR 52: