

NOTICE OF INTENT
BOARD OF ELEMENTARY AND SECONDARY EDUCATION

Early Learning Providers
(LAC 28: CLXI.103, 709, 901, 903, 1103, 1507, 1509, 1711, 1721, 1804, 1811, 1901, 1917)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) *et seq.*, the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXI in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*. The proposed revisions strengthen measures designed to protect children and to provide additional clarity to early learning providers. Topics addressed include: updates and revisions to several definitions; clarification regarding early learning programs operating at the same address located on LEA property; establishing that a current license holder must be in compliance with licensing rules and regulations prior to changing the location of ownership of a center; clarification on how to report critical incidents; clarification of monitoring policy for provisionally-employed staff-members; correction of child-to-staff ratio for two-year-old children; clarification of qualifications for in-person trainer requirements to conduct health and safety and medication trainings; clarification of the use of prohibited substances; and addition of a requirement that the administration of supplements will require written parental authorization.

Title 28
EDUCATION

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

Chapter 1. General Provisions

§103. Definitions

Child Care Criminal Background Check (CCCBC)—information received by the department upon request for information pursuant to requirements set forth in R.S. 17:407.42, 45 CFR 98.43(b), and Chapter 18 of this Bulletin.

Child Care Market Rate Survey—a survey that measures the prices charged by child care providers and paid by parents in a given child care market. The Child Care and Development Fund Programs require states to conduct child care market rate surveys.

Providers—all owners, operators and directors of a center.

Provisionally Employed Staff Member—a person for whom the center has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the LDOE has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, who is temporarily employed and monitored by the center pending the LDOE receipt of the other CCCBC results and determination of the person's eligibility for child care purposes or as otherwise determined by the LDOE in §1804. of this Part.

Quiet Time—a period when children who are in full-time care are provided an appropriate environment for rest or quiet play, such as a child reading a book on a mat.

Rest Time—a daily period for children over age 12 months during which children are placed on mats or cots or in cribs as age appropriate.

Staff—all full-time or part-time, paid or non-paid individuals that perform services for the early learning center and have direct or indirect contact with children at the center. Staff includes the director, child care staff, and any other employees at the center such as the cook, housekeeper, driver, substitutes, secretary, bookkeeper, and foster grandparents, but does not include extra-curricular personnel, therapeutic professionals and other independent contractors.

Supervision—the function of observing, overseeing, and guiding a child or group of children, that includes awareness of and responsibility for the ongoing activity of each child and being near enough to intervene if needed. Supervision requires physical presence with visual contact, accountability for care of the children, knowledge of activity requirements, and knowledge of the abilities and needs of the children.

Supplement—herbal or other dietary, nutritional, or other food or medical supplement administered to be ingested by children orally, in aerosol form, or in any other manner.

Temporary Absence—absence for running errands, attending conferences, etc.

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).

Chapter 7. Licensing Process and Procedures

§709. Validity of Licenses

A. – E. ...

F. All early learning care and education provided at a physical address shall be included under one license address except for the license of an early learning center at the same physical address as a licensed Head Start program or a licensed non-Head Start LEA program that is located on LEA property.

G. – I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.39(C), and 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 42:554 (April 2016), LR 44:1861 (October 2018), LR 47:1275 (September 2021), LR 49:1710 (October 2023).

Chapter 9. Changes Requiring a New License

§901. Change in Location

A. Change in Location. When a center changes location, it is considered a new operation, and a new application and fee for licensure must be submitted, have verification of substantial compliance with the applicable licensing regulations, and a new license obtained, prior to opening at the new location.

B. – B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39 and R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1861 (October 2018).

§903. Change of Ownership

A. ...

B. Prior to the ownership change, the new owner shall submit a new application and have verification of substantial compliance with the applicable licensing regulations in order to fee for licensure and obtain a new license.

C. – C.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39 and R.S. 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 47:1275 (September 2021).

Chapter 11. Operating Violations and Incidents; Fines; Appeals

§1103. Critical Incidents and Required Notifications

A. – C. ...

1. LDOE. This written notification shall be made for all of the critical incidents identified above, shall be made on the LDOE critical incidents report form, shall contain all information requested on the form, and shall be submitted to the location indicated on the critical incident form.

2. – E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1862 (October 2018), LR 47:1275 (September 2021), LR 49:1711 (October 2023).

Chapter 15. Minimum General Requirements and Standards

§1507. Daily Attendance Records

A. ...

1. include the child’s first and last name, arrival and departure times, date, and first and last name of person or entity to whom the child is released;

2. – B. ...

1. include the first and last name of the staff member or owner, date, and arrival and departure times;

2. – F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:1864 (October 2018), LR 47:1276 (September 2021).

§1509. Policies

A. – A.12. ...

a. each center shall develop and implement a written policy describing the monitoring procedures that shall be used at the center when staff members are employed on a provisional basis due to an incomplete CCCBC-based determination of eligibility for child care purposes or any other provisions of this Bulletin;

b. the monitoring policy shall include all requirements for the monitoring of provisionally employed staff members set forth in §1804.B. and §1811.D. of this Part;

c. – d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:250 (February 2018), effective March 1, 2018, LR 44:1864 (October 2018), LR 47:1276 (September 2021), LR 49:1712 (October 2023).

Chapter 17. Minimum Staffing Requirements and Standards

§1711. Child-to-Staff Minimum Ratios

A. – C. ...

D. Minimum child-to-staff ratios for centers are as follows.

- 1. Infants under 1 year, 5:1;
- 2. 1 year, 7:1;
- 3. 2 years, 10:1;
- 4. Children 3 years, 13:1;
- 5. 4 years, 15:1;
- 6. 5 years, 19:1;
- 7. 6 years and up, 23:1.

E. – K. ...

L. Maximum group sizes for centers are as follows.

1. Infants under 1 year, 15;
2. 1 year, 21;
3. 2 years, 20;
4. 3 years, 26;
5. 4 years, 30;
6. 5 years, 38;
7. 6 years and up, 46.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 43:638 (April 2017), LR 44:250 (February 2018), effective March 1, 2018, LR 44:1865 (October 2018), LR 45:525 (April 2019), LR 47:1276 (September 2021), LR 49:1712 (October 2023).

§1721. Continuing Education

A. – E. ...

1. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician's assistant, licensed social worker, or licensed nutritionist who is on the LDOE registry of approved trainers.

F. – G. ...

1. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician's assistant, licensed paramedic, or licensed EMT who is on the LDOE registry of approved trainers.

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 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 42:555 (April 2016), LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1277 (September 2021), LR 49:1712 (October 2023).

Chapter 18. Child Care Criminal Background Checks (CCCBC)

§1804. Provisional Status for Child Care Purposes

A. – B. ...

1. A center may provisionally employ a staff member for whom the center has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the LDOE has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, pending the LDOE receipt of the other CCCBC results and determination of the person's eligibility for child care purposes, or for someone named in a deficiency for §1509. of this Part.

2. – 2.b. ...

c. The monitor shall accompany the provisionally-employed staff member at all times the provisionally-employed staff member is present at the center.

d. – g.

Repealed.

3. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, and 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:1713 (October 2023).

§1811. Requests for CCCBC-Based Determinations of Eligibility for Child Care Purposes from the Department

A. – D. ...

1. A center may provisionally employ as a staff member, a person for whom it has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the LDOE has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, pending the LDOE receipt of the other CCCBC results and determination of the person's eligibility for child care purposes, or for someone named in a deficiency for §1509. of this Part.

2. – 3. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:253 (February 2018), effective March 1, 2018, LR 47:1278 (September 2021), LR 49:1714 (October 2023).

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

§1901. General Safety Requirements

A. – N. ...

O. The center shall prohibit the use of alcohol and tobacco in any form, 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. – S.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 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 42:555 (April 2016), LR 44:1867 (October 2018), LR 47:1278 (September 2021), LR 49:1207 (July 2023).

§1917. Medication Administration

A. – K.2.e. ...

L. Supplements. Children shall not be administered any form of supplements without prior written parental authorization.

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 41:639 (April 2015), effective July 1, 2015.

COMPARISON DOCUMENT

TITLE 28

EDUCATION

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

Chapter 1. General Provisions

§103. Definitions

Child Care Criminal Background Check (CCCBC)—information received by the department upon request for information pursuant to requirements set forth in R.S. 17:407.42, 45 CFR 98.43(b), and Chapter 18 of this Bulletin.

~~*Child Care Health Consultant*—qualified health and safety professional approved by LDH to provide training, consultation, and technical assistance to in- and out-of-home child care facilities and early childhood education staff (and parents) on health and safety topics.~~

Child Care Market Rate Survey—a survey that measures the prices charged by child care providers and paid by parents in a given child care market. The Child Care and Development Fund Programs require states to conduct child care market rate surveys.

Providers—all owners, operators and directors of a center.

Provisionally Employed Staff Member—a person for whom the center has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the LDOE department has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, who is temporarily employed and monitored by the center pending the LDOE department receipt of the other CCCBC results and determination of the person’s eligibility for child care purposes or as otherwise determined by the LDOE in §1804. of this Part.

Quiet Time—a period when children who are in full-time care are provided an appropriate environment for rest or quiet play, such as a child reading a book on a mat.

Rest Time—a daily period for children over age 12 months during which children are placed on mats or cots or in cribs as age appropriate.

~~*Special Needs Care*—for licensing purposes, child care for a child birth through age 17 who has a current individualized family services plan (IFSP) or individual education plan (IEP) in accordance with the Individual’s with Disabilities Education Act (IDEA) or who receives supplemental security income (SSI).~~

Staff—all full-time or part-time, paid or non-paid individuals that perform services for the early learning center and have direct or indirect contact with children at the center. Staff includes the director, child care staff, and any other employees at the center such as the cook, housekeeper, driver, substitutes, secretary, bookkeeper, and foster grandparents, but does not include extra-curricular personnel, therapeutic professionals and other independent contractors.

Supervision—the function of observing, overseeing, and guiding a child or group of children, that includes awareness of and responsibility for the ongoing activity of each child and being near enough to intervene if needed. Supervision requires physical presence with visual contact, accountability for care of the children, knowledge of activity requirements, and knowledge of the abilities and needs of the children.

Supplement—herbal or other dietary, nutritional, or other food or medical supplement administered to be ingested by children orally, in aerosol form, or in any other manner.

Temporary Absence—absence for running errands, attending conferences, etc.

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).

Chapter 7. Licensing Process and Procedures

§709. Validity of Licenses

A. – E. ...

F. All early learning care and education provided at a physical address shall be included under one license address except for the license of an early learning center at the same physical address as a licensed Head Start program or a licensed non-Head Start LEA program that is located on LEA property.

G. – I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.39(C), and 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 42:554 (April 2016), LR 44:1861 (October 2018), LR 47:1275 (September 2021), LR 49:1710 (October 2023).

Chapter 9. Changes Requiring a New License

§901. Change in Location

A. Change in Location. When a center changes location, it is considered a new operation, and a new application and fee for licensure must be submitted, have verification of substantial compliance with the applicable licensing regulations, and a new license obtained, prior to opening at the new location.

B. – B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39 and R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1861 (October 2018).

§903. Change of Ownership

A. ...

B. Prior to the ownership change, the new owner shall submit a new application and have verification of substantial compliance with the applicable licensing regulations in order to fee for licensure and obtain a new license.

C. – C.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39 and R.S. 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 47:1275 (September 2021).

Chapter 11. Operating Violations and Incidents; Fines; Appeals

§1103. Critical Incidents and Required Notifications

A. – C. ...

1. LDOE. This written notification shall be made for all of the critical incidents identified above, shall be made on the LDOE critical incidents report form, and shall contain all information requested on the form, and shall be submitted to the location indicated on the critical incident form.

2. – E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1862 (October 2018), LR 47:1275 (September 2021), LR 49:1711 (October 2023).

Chapter 15. Minimum General Requirements and Standards

§1507. Daily Attendance Records

A. ...

1. include the child's first and last name, arrival and departure times, date, and first and last name of person or entity to whom the child is released;

2. – B. ...

1. include the first and last name of the staff member or owner, date, and arrival and departure times;

2. – F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:1864 (October 2018), LR 47:1276 (September 2021).

§1509. Policies

A. – A.12. ...

a. each center shall develop and implement a written policy describing the monitoring procedures that shall be used at the center when staff members are employed on a provisional basis due to an incomplete CCCBC-based determination of eligibility for child care purposes or any other provisions of this Bulletin;

b. the monitoring policy shall include all requirements for the monitoring of provisionally employed staff members set forth in §1804.B. and §1811.D. of this Part;

c. – d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:250 (February 2018), effective March 1, 2018, LR 44:1864 (October 2018), LR 47:1276 (September 2021), LR 49:1712 (October 2023).

Chapter 17. Minimum Staffing Requirements and Standards

§1711. Child-to-Staff Minimum Ratios

A. – C. ...

D. Minimum child-to-staff ratios for centers are as follows.

1. Infants under 1 year, 5:1;

2. 1 year, 7:1;

3. 2 years, 10:1;

4. Children 3 years, 13:1;

5. 4 years, 15:1;

6. 5 years, 19:1;

7. 6 years and up, 23:1.

Minimum Child-to-Staff Ratios	
Ages of Children	Ratio
Infants under 1 year	5:1
1 year	7:1
2 years	11:1
3 years	13:1
4 years	15:1
5 years	19:1
6 years and up	23:1

E. – K.

...

L. Maximum Group Sizes: group sizes for centers are as follows.

1. Infants under 1 year, 15; Maximum group sizes for centers are as follows.
2. 1 year, 21;
3. 2 years, 20;
4. 3 years, 26;
5. 4 years, 30;
6. 5 years, 38;
7. 6 years and up, 46.

Maximum Group Sizes	
Age of Children	Maximum Group Size
Infants under 1 year	15
1 year	21
2 years	22
3 years	26
4 years	30
5 years	38
6 years and up	46

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 43:638 (April 2017), LR 44:250 (February 2018), effective March 1, 2018, LR 44:1865 (October 2018), LR 45:525 (April 2019), LR 47:1276 (September 2021), LR 49:1712 (October 2023).

§1721. Continuing Education

A. – E.

...

1. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician's assistant, licensed social worker, or licensed nutritionist who is on the LDOE registry of approved trainers.

F. – G.

...

1. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician's assistant, licensed paramedic, or licensed EMT who is on the LDOE registry of approved trainers.

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 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 42:555 (April 2016), LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1277 (September 2021), LR 49:1712 (October 2023).

Chapter 18. Child Care Criminal Background Checks (CCCBC)

§1804. Provisional Status for Child Care Purposes

A. – B.

...

1. A center may provisionally employ a staff member for whom the center has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the LDOE has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, pending the LDOE receipt of the other CCCBC results and determination of the person's eligibility for child care purposes, or for someone named in a deficiency for §1509. of this Part.

2. – 2.b. ...

c. The monitor shall accompany be physically present at the center at all times when the provisionally-employed staff member at all times the provisionally-employed staff member is present at the center.

d. – g.

Repealed.

3. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, and 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:1713 (October 2023), LR 50:

§1811. Requests for CCCBC-Based Determinations of Eligibility for Child Care Purposes from the Department

A. – D.

...

1. A center may provisionally employ as a staff member, a person for whom it has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the LDOE department has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, pending the LDOE department's receipt of the other CCCBC results and determination of the person's eligibility for child care purposes, or for someone named in a deficiency for §1509. of this Part.

2. – 3. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:253 (February 2018), effective March 1, 2018, LR 47:1278 (September 2021), LR 49:1714 (October 2023).

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

§1901. General Safety Requirements

A. – N. ...

O. The center shall prohibit the use of alcohol and tobacco in any form 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. – S.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 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 42:555 (April 2016), LR 44:1867 (October 2018), LR 47:1278 (September 2021), LR 49:1207 (July 2023).

§1917. Medication Administration

A. – K.2.e. ...

L. Supplements. Children shall not be administered any form of supplements without prior written parental authorization.

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 41:639 (April 2015), effective July 1, 2015.

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

Person Preparing Statement: Ashley Townsend
Phone: 225-342-3446
Division: Governmental, Administrative, and Public Affairs
Rule Title: Part CLXI. Bulletin 137— Louisiana Early Learning Center Licensing Regulations (LAC 28:CLXI.103, 709, 901, 903, 1103, 1507, 1509, 1711, 1721, 1804, 1811, 1901, and 1917)

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 (YES, NO, OR LACKS SUFFICIENT INFORMATION TO DETERMINE) TO THE FOLLOWING:

1. Will the proposed Rule affect the stability of the family? No
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? Yes
3. Will the proposed Rule affect the functioning of the family? No
4. Will the proposed Rule affect family earnings and family budget? No
5. Will the proposed Rule affect the behavior and personal responsibility of children? No
6. Is the family or local government able to perform the function as contained in the proposed Rule? Yes

Signature of Contact Person: 

Date Submitted: 3/8/2024

**POVERTY IMPACT STATEMENT
(LA R.S. 49:973)**

Person Preparing Statement: Ashley Townsend
Phone: 225-342-3446
Division: Governmental, Administrative, and Public Affairs
Rule Title: Part CLXI. Bulletin 137— Louisiana Early Learning Center Licensing Regulations (LAC 28:CLXI.103, 709, 901, 903, 1103, 1507, 1509, 1711, 1721, 1804, 1811, 1901, and 1917)

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 (YES, NO, OR LACKS SUFFICIENT INFORMATION TO DETERMINE) TO THE FOLLOWING:

1. Will the proposed Rule affect the household income, assets, and financial authority? No
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes
3. Will the proposed Rule affect employment and workforce development? No
4. Will the proposed Rule affect taxes and tax credits? No
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? Yes

Signature of Contact Person: 

Date Submitted: 3/8/2024

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 noon, May 10, 2024, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person
Preparing
Statement:

Ashley Townsend

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

Phone: 225-342-3446

Office: Governmental, Admin., and Public Affairs

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

Rule
Title: Part CLXI. Bulletin 137—
Louisiana Early Learning Center Licensing Regulations
(LAC 28:CLXI.103, 709, 901, 903, 1103, 1507, 1509,
1711, 1721, 1804, 1811, 1901, and 1917)

Date Rule
Takes Effect: Upon final adoption by BESE

SUMMARY

In accordance with Section 961 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 are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed change modifies policy to strengthen measures designed to protect children and to provide additional clarity to early learning providers. The proposed revisions address: updates and revisions to several definitions; clarification regarding early learning programs operating on local education authority property; establishing that a current license holder must be in compliance with licensing rules and regulations prior to changing the location of ownership of a center; clarification on how to report critical incidents; clarification of monitoring policy for provisionally-employed staff-members; correction of child-to-staff ratio for two-year-old children; clarification of qualifications for in-person trainer requirements to conduct health and safety and medication administration trainings; clarification of the use of prohibited substances; and addition of a requirement that the administration of supplements will require written parental authorization.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

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

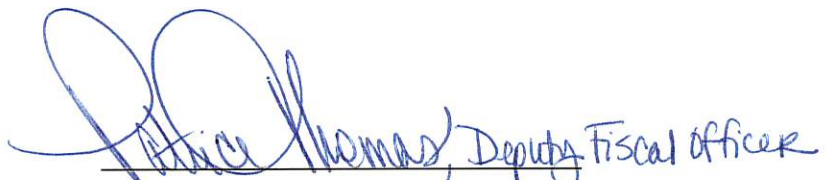
There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.



Signature of Agency Head or Designee



Legislative Fiscal Officer or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance

Typed Name & Title of Agency Head or Designee

4/04/2024

Date of Signature

4/04/2024

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 rule change amends LAC 28:CLXI in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*, modify various policies to strengthen measures designed to protect children and to provide additional clarity to early learning providers. The proposed revisions address: updates and revisions to several definitions; clarification regarding early learning programs operating at the same address located on LEA property; establishing that a current license holder must be in compliance with licensing rules and regulations prior to changing the location of ownership of a center; clarification on how to report critical incidents; clarification of monitoring policy for provisionally-employed staff-members; correction of child-to-staff ratio for two-year-old children; clarification of qualifications for in-person trainer requirements to conduct health and safety and medication administration trainings; clarification of the use of prohibited substances; and addition of a requirement that the administration of supplements will require written parental authorization.

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

The proposed revisions are prompted by LDOE recommendations for additional clarity.

- 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?

The proposed rule change will have no effect on costs or savings to state agencies.

COSTS	FY 24	FY 25	FY 26
Personal Services	0	0	0
Operating Expenses	0	0	0
Professional Services	0	0	0
Other Charges	0	0	0
Equipment	0	0	0
Major Repairs & Constr.	0	0	0
TOTAL	0	0	0
POSITIONS (#)	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.

Not applicable.

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

Not applicable.

SOURCE	FY 24	FY 25	FY 26
State General Fund	0	0	0
Agency Self-Generated	0	0	0
Dedicated	0	0	0
Federal Funds	0	0	0
Other (Specify)	0	0	0
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?

Not applicable.

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.

There is no anticipated impact to local governmental units as a result of the proposed rule change.

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

Not applicable.

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

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

REVENUE INCREASE/DECREASE	FY 24	FY 25	FY 26
State General Fund	0	0	0
Agency Self-Generated	0	0	0
Dedicated Funds*	0	0	0
Federal Funds	0	0	0
Local Funds	0	0	0
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.

Not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

- A. What persons, small businesses, 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.

The proposed rule change will not result in costs or economic benefits to directly affected persons, small businesses, or nongovernmental groups.

- 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.

Not applicable.

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.

There is no anticipated impact on competition and employment as a result of the proposed rule change.