

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person
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Return
Address: P. O. Box 94064 Rule
Baton Rouge, LA Title: Part CLXI. Bulletin 137 –Louisiana Early
Learning Center Licensing Regulations (LAC
28: CLXI.103, 305, 311, 709, 907, 1103, 1307, 1503, 1509, 1511, 1707, 1711, 1719, 1721, 1723, 1725,
1804, 1807, 1811, 1815, 1907, 1911, 1913, 1915, 1919, and 1921)

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)

The proposed rule change will lead to an increase in expenditures within the Louisiana Department of Education (LDE). The proposed rule change removes child care health consultants from the list of providers of medication training for early learning providers, necessitated by the Louisiana Department of Health (LDH) no longer providing consultants to conduct health-related training to early childhood personnel. LDH will send existing training information to LDE. LDE will create training modules in the Canvas learning management system for use by early childhood personnel. The initial work of creating the modules is being absorbed by existing staff. There will be an ongoing cost to house and deliver the modules in Canvas. Final estimates of this cost are still being determined. Federal Child Care and Development Fund (CCDF) dollars will be used for these expenses.

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

The proposed rule change will not have an effect on revenue collections of state or local governmental units.

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

Early learning providers will be affected by the proposed rule change, although the impact is expected to be minimal. The rule change provides clarity and updates definitions, as well as requires the development and/or posting of locally-developed policy

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not have an effect on competition and employment.

Beth Scioneaux
Signature of Agency Head or Designee

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

7.10.23
Date of Signature

Darce Thomas, Deputy Fiscal Officer
Legislative Fiscal Officer or Designee

7/10/2023
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 includes definitions, license regulations, additional license at a single center address, conditions requiring LDE notice, reporting of critical incidents, staffing and training mandates, child safety equipment, and technical edits.

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

R.S. 17:407.40 requires a comprehensive review of all standards, rules, and regulations for early learning center license regulations every three years. In compliance with this statute, LDE established a committee of 12 early care and education stakeholders to conduct the required review.

- 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.

The proposed rule change will result in an increase in the expenditure of funds. Removing child care health consultants from the list of providers of medication training, as these consultants are no longer available, will result in LDE development of training modules for use by early learning providers. The creation of these modules from LDH-provided materials will be funded through CCDF.

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.

Federal Child Care and Development Fund (CCDF) dollars will be used for this work. CCDF funding is appropriated by the Legislature through the General Appropriations 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?

The proposed rule change will result in an increase in expenditures for LDE. There will be an ongoing cost to house and deliver training modules in Canvas. Final estimates of this cost are still being determined. Child Care and Development Fund (CCDF) dollars will be used for this work.

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

LDH will send existing training information to LDE, and the department will create training modules in the Canvas learning management system for use by early childhood personnel. The initial work of creating the modules is being absorbed by existing staff. There will be an ongoing cost to house and deliver the modules in Canvas. Final estimates of this cost are still being determined. Child Care and Development Fund (CCDF) dollars will be used for this work.

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

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	Increase	Increase	Increase
Other (Specify)	0	0	0
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?

Yes.

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.

No cost or savings is anticipated to local governmental units resulting from the proposed action.

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

Not applicable

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

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

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

The proposed rule changes will not have an effect on revenue collections of state or local governmental units.

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.

Early learning providers will be affected by the proposed action, although the impact is expected to be minimal. The rule change provides clarity and updates definitions, as well as requires the development and/or posting of locally-developed policy.

- 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.

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

NOTICE OF INTENT

Board of Elementary and Secondary Education

Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations
(LAC 28: CLXI.103, 305, 311, 709, 907, 1103, 1307, 1503, 1509, 1511, 1707, 1711, 1719, 1721, 1723, 1725, 1804, 1807, 1811, 1815, 1907, 1911, 1913, 1915, 1919, and 1921)

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:XI in *Bulletin 111 – The Louisiana School, District, and State Accountability System*. Louisiana R.S. 17:407.40 requires a comprehensive review of all standards, rules, and regulations for early learning center license regulations every three years. In compliance with this statute, the Louisiana Department of Education (LDOE) established a committee of twelve early care and education stakeholders to conduct the required review. The aforementioned revisions include definitions, license regulations, additional license at a single center address, conditions requiring LDOE notice, reporting of critical incidents, staffing and training mandates, child safety equipment, and technical edits.

Title 28

EDUCATION

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

Chapter 1. General Provisions

§103. Definitions

* * *

Capacity—the number of children the provider is licensed to care for at any given time as determined by the Licensing Division.

Care for Children with Disabilities—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 Individuals with Disabilities Education Act (IDEA) or who receives Supplemental Security Income (SSI).

* * *

Child—person who has not reached age 13, or a person with disabilities who has not yet reached age 18.

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.

* * *

Department—Louisiana Department of Education, also referenced as LDOE or LDE.

* * *

License Type—the type of license applied for or held by an early learning center, which include type I, type II, and type III licenses.

Local Education Agency (LEA)—a public board of education or other public authority legally constituted within the state either to provide administrative control or directions of, or perform a service function for, public elementary and secondary schools in a city, parish, school district, or other political subdivision of the state. The term includes an educational service agency and any other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public charter school that is established as an LEA under state law.

* * *

Office of Public Health—Louisiana Department of Health, Office of Public Health.

OSFM—Office of the State Fire Marshal

* * *

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 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 department's receipt of the other CCCBC results and determination of the person's eligibility for child care purposes.

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.

* * *

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:

Chapter 3. Licensure

§305. Operating Without a License; Registry; Penalties

A. Operating an early learning center without a valid license may result in fines up to \$1,000 per day for each day of such offense.

B. – D.

...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.37.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, amended LR 41:2104 (October 2015), LR 44:1859 (October 2018), LR 45:525 (April 2019), LR 49:

§311. Posting of License

A. Each early learning center shall display its current license in a prominent place at the center where the license is visible to parents and other visitors to the center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39(D).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:620 (April 2015), effective July 1, 2015, LR 49:

Chapter 7. Licensing Process and Procedures

§709. Validity of Licenses

A. – C.

D. A new application shall not be processed if an application or license is currently on file with the department for the same location, with the exception of a change of ownership application or, at the discretion of the LDOE, a second application for an early learning center at the same address as an existing Head Start located on LEA property.

E. Two licenses shall not be issued simultaneously for the same physical address except for the license of an early learning center at the same address as a Head Start that is located on LEA property.

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 address as a Head Start that is located on LEA property.

G. If an early learning center operates summer and/or holiday camps at the location, such care shall be included under a single license for the location address except for the license of an early learning center at the same address as a Head Start that is located on LEA property.

H. – 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:

Chapter 9. Changes Requiring a New License

§907. Notification of Temporary or Permanent Closure

A. Closures.

1. Temporary Closure. A center shall notify the LDOE in writing of a temporary closure of more than 5 calendar days, but fewer than 30 calendar days, within 1 day of closure of the center.

2. Permanent Closure. The provider shall notify the LDOE in writing of a permanent closure of 30 or more calendar days of a center within 7 calendar days of the closure.

B. A center shall make notification to the LDOE prior to making any changes that may have an effect on the license, such as structural changes, adding or removing transportation, or changing age range and/or hours of operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.39, 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), LR 49:

Chapter 11. Operating Violations and Incidents; Fines; Appeals

§1103. Critical Incidents and Required Notifications

A. An early learning center shall make immediate notification to emergency personnel, law enforcement as applicable, and other appropriate agencies for the following types of critical incidents involving children in care:

1. death;
2. serious injury or illness that required medical attention;
3. ~~and~~ a child left unsupervised for any amount of time;
4. use of prohibited behavior management as described in §1509. of this Part;
5. allegations or suspicion of child abuse or neglect by center staff;
6. an accident involving the transportation of children;
7. any child given the wrong medication or an overdose of the correct medication;
8. any loss of power over two hours while children are in care;
9. a physical altercation between adults in the presence of children on the premises;
10. reportable infectious diseases and conditions outlined in LAC 51:II.105;

11. any other significant event relating to the health, safety, or well-being of any child, including but not limited to a lost child, an emergency situation, fire or other structural damage, or closure of the center.

B. Prioritization of Notifications. The following shall be notified immediately and in the order listed below as applicable:

1. Emergency personnel when dealing with any medical incident.
2. Law enforcement.
3. Parent.

C. The following, as applicable, shall be notified via email within 24 hours of the incident, or no later than the next business day if the incident occurred on a Friday or on a recognized state holiday:

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.

2. DCFS. Report all incidents that might constitute child endangerment including examples provided in mandated reporting training.

3. LDH. Report all incidents related to LDH regulations such as safety and sanitation issues as well as infectious diseases and conditions.

4. OSFM. Report all incidents related to OSFM regulations.

5. Any other appropriate agencies, including but not limited to, local or city fire marshal or the Department of Environmental Quality.

D. – 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:

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

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

A. A center has 30 calendar days to request an appeal of the denial of its application for licensure and 15 calendar days to request an appeal of the revocation of or the refusal to renew its license.

B. The department must receive a written request for an appeal within 30 calendar days of the center's receipt of notice of the denial of its application and within 15 calendar days of the center's receipt of notice of revocation of or refusal to renew its license.

C. – D.2.

E. The department shall notify the Division of Administrative Law (DAL) within 10 calendar days of receipt of a timely request for an appeal of the denial of an application or the revocation of or refusal to renew a license.

F. – H.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.45.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 42:554 (April 2016), LR 44:249 (February 2018), effective March 1, 2018, LR 44:1863 (October 2018), LR 49:

Chapter 15. Minimum General Requirements and Standards

§1503. General Liability Insurance Policy

A. ...

B. Repealed.

C. – E.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, LR 49:

§1509. Policies

A. An early learning center shall establish in writing, prominently post or show parent's signature of receipt, implement, and adhere to the following policies:

1. – 8.b.viii.

c. time out:

i. the behavior management policy shall address the center's use of time out, if the center uses time out, including the minimum requirements and shall not be used for children under age two;

ii. – iv.

d. the behavior management policy shall establish steps for addressing behaviors identified by the site as dangerous and/or out of control behaviors. Suspension or expulsions should only be considered as a final action after the implementation of behavior support strategies, including at a minimum:

i. engaging parents by written communication and/or parent conference; and

ii. providing a referral to EarlySteps, Child Search, and/or mental health consultant if appropriate.

9. – 12.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:

§1511. Procedures

A. – A.2.b.

c. children ages four and five shall be offered the opportunity for daily quiet time;

3. ...

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 41:630 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 44:1864 (October 2018), LR 49:

Chapter 17. Minimum Staffing Requirements and Standards

§1707. Required Staff

A. – C.

D. Staff

- 1. Staff age 18 or older may be included in the child-to-staff ratio and may work without the direct supervision of another adult staff member.
- 2. Staff age 16 and 17 may be included in the child-to-staff ratio if the person works under the direct supervision of an adult staff member.

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 41:2107 (October 2015), LR 44:1864 (October 2018), LR 49:

§1711. Child-to-Staff Minimum Ratios

A. – C.

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

Minimum Child-to-Staff Ratios	
Ages of Children	Ratio
* * *	

E. – F.2.

Repealed.

G. – L.3.

...

* * *

M. Children with Disabilities and Children with Special Health Care Needs—Minimum Child to Staff Ratios. When the nature of a child with special health care needs or the number of children with special health care needs warrants added care, the center shall add sufficient staff as necessary.

N. Maximum Group Sizes:

- 1. Maximum group sizes for centers are as follows.

Maximum Group Sizes	
Age of Children	Maximum Group Size
* * *	

2. – 2.b. Repealed.

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 49:

§1719. Orientation Training

A. – A.4.

- 5. list of children with allergies, children with disabilities, and children with special health care needs;
- 6. – D.5. ...

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 41:635 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016), LR 44:1866 (October 2018), LR 47:1277 (September 2021), LR 49:

§1721. Continuing Education

A. – A.1.

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

C. – D.12.

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

F. ...

G. Medication administration training approved by the LDOE may count as continuing education in the anniversary year in which it is taken.

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:

§1723. CPR and First Aid Certifications

A. – E.

F. Within 90 calendar days from the date of hire and prior to assuming sole responsibility for any children, each staff member shall have current certification in pediatric first aid and CPR. During this period, caregivers and teachers who provide direct care for children must be supervised until training is completed.

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 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1278 (September 2021), LR 48:30 (January 2022), LR 49:32 (January 2023), LR 49:

§1725. Medication Management Training

A. – B.

C. Training for auto-injectable epinephrine shall be completed every two years with training approved by the LDOE, a registered nurse, a licensed medical physician, an anaphylaxis training organization, or any other entity approved by the Louisiana Department of Health. Training for medication administration shall be completed every two years with training approved by the LDOE.

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 41:636 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1278 (September 2021), LR 49:862 (May 2023), LR 49:

Chapter 18. Child Care Criminal Background Checks (CCCBC)

§1804. Provisional Status for Child Care Purposes

A. A person may be provisional for child care purposes if the person:

1. has more than one component of the CCCBC still pending;
2. is employed at any center; and
3. is named in a deficiency for §1509 of this Part.

B. Provisional Employment for Staff Member of Early Learning Centers.

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.

2. A provisionally-employed staff member may be counted in child-to-staff ratios but must be monitored at all times in accordance with the following:

a. A monitor of a provisionally-employed staff member must be an adult staff member for whom the center has a CCCBC-based determination of eligibility for child care purposes, and who is designated by the center to monitor a specific provisionally-employed staff member.

b. The center must designate a monitor for each provisionally-employed staff member present at the center.

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

d. Monitors must remain within close enough physical proximity of their designated provisionally-employed staff members to be able to intervene at any time if needed.

e. A monitor shall perform at least one visual observation of each designated provisionally-employed staff member every 30 minutes.

f. The Center may designate one monitor for up to a maximum of five provisionally-employed staff members at any given time.

g. At least one monitor must be physically present at all times in any room during nap times if a provisionally-employed staff member is present.

3. The center shall have a log, either handwritten or in electronic form, or other written documentation of the monitoring of provisionally-employed staff members that identifies each provisionally-employed staff member, the designated monitor for each, and the times of the visual observations.

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:

§1807. CCCBC-Based Determinations of Eligibility for Child Care Purposes Required for Owners, Volunteers, Staff, Visitors and Contractors of Early Learning Centers

A. – A.2.

B. Volunteers and Staff. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each volunteer, staff member, or employee of any kind, and shall have documentation of said determination available on the center's CCCBC roster at all times for inspection upon request by the department.

C. – E.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, 17.6, and 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:252 (February 2018), effective March 1, 2018, amended LR 44:1867 (October 2018), LR 49:

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

A. – D.1.

2. A provisionally-employed staff member may be counted in child to staff ratios, but must be monitored at all times in accordance with the following.

a. A monitor of a provisionally-employed staff member must be an adult staff member for whom the center has a CCCBC-based determination of eligibility for child care purposes within the past five years, who is designated by the center to monitor a specific provisionally-employed staff member.

b. The center must designate a monitor for each provisionally-employed staff member present at the center.

c. Repealed.

d. Monitors must supervise at all times their designated provisionally-employed staff members to be able to intervene at any time if intervention is needed.

e. – g. Repealed.

3. The center shall have a log, either handwritten or in electronic form, or other written documentation of the monitoring of provisionally-employed staff members that identifies each provisionally-employed staff member and the designated monitor for each.

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

§1815. Fees for CCCBC-Based Determinations of Eligibility for Child Care Purposes

A. – B.

B.1. Repealed.

C. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 407.42.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:255 (February 2018), effective March 1, 2018, LR 48:30 (January 2022), LR 49:

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

§1907. Furnishings and Equipment

A. Apparatus or Equipment

1. The manufacturer’s restraint device shall be used when equipment is occupied by children.
2. Children who are either too small or too large to be restrained using the manufacturer’s restraint device shall not be placed in equipment.

B. – G.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:638 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 44:256 (February 2018), effective March 1, 2018, LR 47:1279 (September 2021), LR 49:

§1911. Care of Children

A. – F.

G. Pacifiers shall not be attached to a child.

H. – K.

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 41:638 (April 2015), effective July 1, 2015, LR 47:1279 (September 2021), LR 49:

§1913. Water Activities

A. – F.1.

2. For off-site water activities, the center shall have documentation of the current certification of the lifeguard, such as a letter of documentation that the lifeguard has current certification, whether the lifeguard is furnished by the center or the off-site water location.

G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:639 (April 2015), effective July 1, 2015, LR 49:

§1915. Health Services

A. – E.

F. Influenza Information. Centers shall make parents aware of information concerning influenza immunization by November 1 of each year. The department shall provide information about influenza annually to each licensed center.

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 41:639 (April 2015), effective July 1, 2015, amended LR 44:1867 (October 2018), LR 49:

§1919. Food Service and Nutrition

A. – B.

1. be planned for each day of the week at a minimum and list the specific food items served;
2. be prominently posted, written or electronically, by the first day of each week at a minimum and remain posted throughout the week; and
3. ...

C. Food Allergies and Special Diets.

1. Information regarding food allergies and special diets of children shall be posted in the food preparation area with special care taken to ensure that individual names of children are not in public view. If a parent chooses to allow the center to post the child’s name and allergy information in public view, the center shall obtain a signed and dated authorization from the parent.
2. Children with allergies or special diets shall not be served foods identified as restricted by the parent.

D. A minimum of a breakfast or morning snack, lunch, and afternoon snack shall be served to children, and meals and snacks shall be served not more than three hours apart.

1. Centers that do not serve breakfast shall have nutritious food available for children who arrive in the morning without having eaten breakfast.

2. Children under age four shall not have foods that are implicated in choking incidents. Examples of these foods include, but are not limited to: whole hot dogs, hot dogs sliced in rounds, raw carrot rounds, whole grapes, hard candy, nuts, seeds, raw peas, hard pretzels, hard chips with the exception of puffs, peanuts, popcorn, whole marshmallows other than when melted in other foods or found in boxed cereals, spoonful of peanut butter, and chunks of meat larger than what can be swallowed whole.

3. – J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(4).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:640 (April 2015), effective July 1, 2015, amended LR 44:257 (February 2018), effective March 1, 2018, LR 44:1867 (October 2018), LR 47:1279 (September 2021), LR 49:

§1921. Emergency Preparedness and Evacuation Planning

A. – A.3.

...

4. include specific procedures for handling children with disabilities and special health care needs, including the evacuation and transportation of children in wheelchairs;

5. – 11....

B. Individualized Emergency Plan. An individualized emergency plan shall be in place for each child with special health care needs and shall include medical contact information and additional supplies and equipment as needed.

C. – E....

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 41:641 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 42:2173 (December 2016), LR 44:1867 (October 2018), LR 49:

COMPARISON DOCUMENT

Title 28

EDUCATION

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

Chapter 1. General Provisions

§103. Definitions

* * *

Capacity—the number of children the provider is licensed to care for at any given time as determined by the Licensing Division.

Care for Children with Disabilities—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 Individuals with Disabilities Education Act (IDEA) or who receives Supplemental Security Income (SSI).

* * *

Child—person who has not reached age 13, or a person with special needs disabilities who has not yet reached age 18.

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.~~

* * *

Department—Louisiana Department of Education, also referenced as LDOE or LDE.

* * *

License Type—the type of license applied for or held by an early learning center, which include type I, type II, and type III licenses.

Local Education Agency (LEA)—a public board of education or other public authority legally constituted within the state either to provide administrative control or directions of, or perform a service function for, public elementary and secondary schools in a city, parish, school district, or other political subdivision of the state. The term includes an educational service agency and any other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public charter school that is established as an LEA under state law.

* * *

Office of Public Health—Louisiana Department of Health, Office of Public Health.

OSFM—Office of the State Fire Marshal

* * *

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 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 department's receipt of the other CCCBC results and determination of the person's eligibility for child care purposes.

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.

* * *

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).~~

* * *

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:

Chapter 3. Licensure

§305. Operating Without a License; Registry; Penalties

A. Operating an early learning center without a valid license may result in fines ~~imposed by the department up to a maximum of~~ \$1,000 per day for each day of such offense.

B. – D.

...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.37.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, amended LR 41:2104 (October 2015), LR 44:1859 (October 2018), LR 45:525 (April 2019), LR 49:

§311. Posting of License

A. Each early learning center shall display its current license in a prominent place at the center where the license is visible to parents and other visitors to the center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39(D).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:620 (April 2015), effective July 1, 2015, LR 49:

Chapter 7. Licensing Process and Procedures

§709. Validity of Licenses

A. – C.

...

D. A new application shall not be processed if an application or license is currently on file with the department for the same location, with the exception of a change of ownership application or, at the discretion of the LDOE, a second application for an early learning center at the same address as an existing Head Start located on LEA property.

E. Two licenses shall not be issued simultaneously for the same physical address except for the license of an early learning center at the same address as a Head Start that is located on LEA property.

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 address as a Head Start that is located on LEA property.

G. If an early learning center operates summer and/or holiday camps at the location, such care shall be included under a single license for the location address except for the license of an early learning center at the same address as a Head Start that is located on LEA property.

H. – 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:

Chapter 9. Changes Requiring a New License

§907. Notification of Temporary or Permanent Closure

A. ~~Closures. A center shall notify the department in writing of a temporary closure (closure of more than 5 calendar days, but less than 30 calendar days) within 1 day of closure of the center.~~

1. Temporary Closure. A center shall notify the LDOE in writing of a temporary closure of more than 5 calendar days, but fewer than 30 calendar days, within 1 day of closure of the center.

2. Permanent Closure. The provider shall notify the LDOE in writing of a permanent closure of 30 or more calendar days of a center within 7 calendar days of the closure.

B. ~~A center shall make notification to the LDOE prior to making any changes that may have an effect on the license, such as structural changes, adding or removing transportation, or changing age range and/or hours of operation. The provider shall notify the department in writing of a permanent closure of center (closure of more than 30 calendar days) within 7 calendar days of closure of the center.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.39, 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), LR 49:

Chapter 11. Operating Violations and Incidents; Fines; Appeals

§1103. Critical Incidents and Required Notifications

A. An early learning center shall make immediate notification to emergency personnel, law enforcement as applicable, and other appropriate agencies for the following types of critical incidents involving children in care:

1. death;
2. serious injury or illness that required medical attention;
3. ~~and~~ a child left unsupervised for any amount of time;
4. use of prohibited behavior management as described in ~~Section §1509 A-8-b.~~ of this Part;
5. allegations or suspicion of child abuse or neglect by center staff;
6. an accident involving the transportation of children; ~~or~~
7. any child given the wrong medication or an overdose of the correct medication; any other significant event relating to the health, safety, or well-being of any child, including but not limited to a lost child, an emergency situation, fire or other structural damage, or closure of the center.
8. any loss of power over two hours while children are in care;
9. a physical altercation between adults in the presence of children on the premises;
10. reportable infectious diseases and conditions outlined in LAC 51:II.105;
11. any other significant event relating to the health, safety, or well-being of any child, including but not limited to a lost child, an emergency situation, fire or other structural damage, or closure of the center.

B. ~~The parent shall be contacted immediately following any immediate notifications made under Subsection A. Prioritization of Notifications. The following shall be notified immediately and in the order listed below as applicable:~~

1. Emergency personnel when dealing with any medical incident.
2. Law enforcement.
3. Parent.

C. ~~The LDE and other appropriate agencies, such as DCFS, LDH and the Office of State Fire Marshall, as applicable, shall be notified via email within 24 hours of the incident. The following, as applicable, shall be notified via email within 24 hours of the incident, or no later than the next business day if the incident occurred on a Friday or on a recognized state holiday:~~

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.

2. DCFS. Report all incidents that might constitute child endangerment including examples provided in mandated reporting training.

3. LDH. Report all incidents related to LDH regulations such as safety and sanitation issues as well as infectious diseases and conditions.

4. OSFM. Report all incidents related to OSFM regulations.

5. Any other appropriate agencies, including but not limited to, local or city fire marshal or the Department of Environmental Quality.

D. – 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:

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

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

A. A center has 3015 calendar days to request an appeal of the denial of its application for licensure and 15 calendar days to request an appeal of the revocation of or the refusal to renew its license.

B. The department must receive a written request for an appeal within 3015 calendar days of the center's receipt of notice of the denial of its application and within 15 calendar days of the center's receipt of notice of revocation of or refusal to renew its license.

C. – D.2.

...

E. The department shall notify the Division of Administrative Law (DAL) within 10 calendar days of receipt of a timely request for an appeal of the denial of an application or the revocation of or refusal to renew a license.

F. – H.

...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.45.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 42:554 (April 2016), LR 44:249 (February 2018), effective March 1, 2018, LR 44:1863 (October 2018), LR 49:

Chapter 15. Minimum General Requirements and Standards

§1503. General Liability Insurance Policy

A. ...

B. Repealed.

C. – E.

...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, LR 49:

§1509. Policies

A. An early learning center shall establish in writing, prominently post or show parent's signature of receipt, implement, and adhere to implement, the following policies:

1. – 8.b.viii.

...

c. time out;

i. the behavior management policy shall address the center's use of time out, if the center uses time out, including the minimum requirements and shall not be used for children under age two;

ii. – iv.

...

d. the behavior management policy shall establish steps for addressing behaviors identified by the site as dangerous and/or out of control behaviors. Suspension or expulsions should only be considered as a final action after the implementation of behavior support strategies, including at a minimum:

i. engaging parents by written communication and/or parent conference; and

ii. providing a referral to EarlySteps, Child Search, and/or mental health consultant if appropriate.

9. – 12.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:

§1511. Procedures

A. – A.2.b.

...

c. children ages four and five ~~older~~ shall be offered the opportunity for daily quiet time;

3. ...

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 41:630 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 44:1864 (October 2018), LR 49:

Chapter 17. Minimum Staffing Requirements and Standards

§1707. Required Staff

A. – C.

...

D. Staff

1. Staff ~~shall be~~ age 18 or older may be included in the child-to-staff ratio and may work without the direct supervision of another adult staff member.
2. ~~Staff A person~~ age 16 ~~and~~ 17 may be included in the child-to-staff ratio if the person works under the direct supervision of an adult staff member.

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 41:2107 (October 2015), LR 44:1864 (October 2018), LR 49:

§1711. Child-to-Staff Minimum Ratios

A. – C.

D. Minimum child-to-staff ratios for ~~type II and type III~~ centers are as follows.

Minimum Child-to-Staff Ratios—Types II and III Centers	
Ages of Children	Ratio
* * *	

E. – F.2.

Repealed.

G. – L.3.

...

* * *

M. ~~Special Needs Children with Disabilities and Children with Special Health Care Needs—Minimum~~ Child to Staff Ratios. When the nature of a child with special health care needs or the number of children with special health care needs warrants added care, the center shall add sufficient staff as necessary.

N. Maximum Group Sizes—Types I, II, and III Centers

1. Maximum group sizes for ~~type II and type III~~ centers are as follows.

Maximum Group Sizes—Types II and III Centers	
Age of Children	Maximum Group Size
* * *	

2. – 2.b. Repealed.

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 49:

§1719. Orientation Training

A. – A.4.

...

5. list of children with allergies, children with disabilities, and children with special health care needs;

6. – D.5. ...

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 41:633 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016), LR 44:1866 (October 2018), LR 47:1277 (September 2021), LR 49:

§1721. Continuing Education

A. – A.1.

...

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

C. – D.12.

...

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

F. ...

G. Medication administration training ~~approved by the LDOE by a child care health consultant~~ may count as continuing education in the anniversary year in which it is taken.

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:

§1723. CPR and First Aid Certifications

A. – E.

...

F. Within ~~60~~ 90 calendar days from the date of hire and prior to assuming sole responsibility for any children, each staff member shall have current certification in pediatric first aid and CPR. During this period, caregivers and teachers who provide direct care for children must be supervised until training is completed.

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 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1278 (September 2021), LR 48:30 (January 2022), LR 49:32 (January 2023), LR 49:

§1725. Medication Management Training

A. – B.

...

C. Training for auto-injectable epinephrine shall be completed every two years with training approved by the LDOE, an approved child care health consultant, a registered nurse, a licensed medical physician, a child care health consultant, an anaphylaxis training organization, or any other entity approved by the Louisiana Department of Health. Training for medication administration shall be completed every two years with training approved by the LDOE an approved child care health consultant.

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 41:636 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1278 (September 2021), LR 49:862 (May 2023), LR 49:

Chapter 18. Child Care Criminal Background Checks (CCCBC)

§1804. Provisional Status for Child Care Purposes

A. A person may be provisional for child care purposes if the person:

1. has more than one component of the CCCBC still pending;
2. is employed at any center; and
3. is named in a deficiency for §1509 of this Part.

B. Provisional Employment for Staff Member of Early Learning Centers.

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.

2. A provisionally-employed staff member may be counted in child-to-staff ratios but must be monitored at all times in accordance with the following:

a. A monitor of a provisionally-employed staff member must be an adult staff member for whom the center has a CCCBC-based determination of eligibility for child care purposes, and who is designated by the center to monitor a specific provisionally-employed staff member.

b. The center must designate a monitor for each provisionally-employed staff member present at the center.

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

d. Monitors must remain within close enough physical proximity of their designated provisionally-employed staff members to be able to intervene at any time if needed.

e. A monitor shall perform at least one visual observation of each designated provisionally-employed staff member every 30 minutes.

f. The Center may designate one monitor for up to a maximum of five provisionally-employed staff members at any given time.

g. At least one monitor must be physically present at all times in any room during nap times if a provisionally-employed staff member is present.

3. The center shall have a log, either handwritten or in electronic form, or other written documentation of the monitoring of provisionally-employed staff members that identifies each provisionally-employed staff member, the designated monitor for each, and the times of the visual observations.

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:

§1807. CCCBC-Based Determinations of Eligibility for Child Care Purposes Required for Owners, Volunteers, Staff, Visitors and Contractors of Early Learning Centers

A. – A.2.

...

B. Volunteers and Staff. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each volunteer, staff member, or employee of any kind, and shall have documentation of said determination available on the center's CCCBC roster at all times for inspection upon request by the department.

C. – E.

...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, 17.6, and 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:252 (February 2018), effective March 1, 2018, amended LR 44:1867 (October 2018), LR 49:

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

A. – D.1.

...

2. A provisionally-employed staff member may be counted in child to staff ratios, but must be monitored at all times in accordance with the following.

- a. A monitor of a provisionally-employed staff member must be an adult staff member for whom the center has a CCCBC-based determination of eligibility for child care purposes within the past five years, (or prior to October 1, 2018, a satisfactory CBC), who is designated by the center to monitor a specific provisionally-employed staff member.
- b. The center must designate a monitor for each provisionally-employed staff member present at the center.
- c. Repealed.
- d. Monitors must supervise at all times ~~remain within close enough physical proximity~~ of their designated provisionally-employed staff members to be able to intervene at any time if intervention is needed.
- e. – g. Repealed.

3. The center shall have a log, either handwritten or in electronic form, or other written documentation of the monitoring of provisionally-employed staff members that identifies each provisionally-employed staff member and the designated monitor for each, ~~and the times of the visual observations.~~

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

§1815. Fees for CCCBC-Based Determinations of Eligibility for Child Care Purposes

- A. – B. ...
- B.1. Repealed.
- C. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 407.42.
 HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:255 (February 2018), effective March 1, 2018, LR 48:30 (January 2022), LR 49:

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

§1907. Furnishings and Equipment

- A. Apparatus or Equipment High Chairs
 1. The ~~high chair~~ manufacturer's restraint device shall be used when equipment is occupied by children ~~are sitting in a high chair~~.
 2. Children who are either too small or too large to be restrained using the manufacturer's restraint device shall not be placed in equipment a high chair.

B. – G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).
 HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:638 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 44:256 (February 2018), effective March 1, 2018, LR 47:1279 (September 2021), LR 49:

§1911. Care of Children

- A. – F. ...
- G. Pacifiers shall not be attached to a child ~~strings or ribbons shall not be placed around the neck or attached to the clothing of a child.~~
- H. – K. ...

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 41:638 (April 2015), effective July 1, 2015, LR 47:1279 (September 2021), LR 49:

§1913. Water Activities

- A. – F.1. ...
2. For off-site water activities, the center shall have documentation of the current certification of the lifeguard, such as a letter of documentation that the lifeguard has current certification, whether the lifeguard is furnished by the center or the off-site water location.
- G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).
 HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:639 (April 2015), effective July 1, 2015, LR:49

§1915. Health Services

- A. – E. ...
- F. Influenza Information. Centers shall make parents aware of ~~provide each parent~~ information concerning influenza immunization by November 1 of each year. The department shall provide information about influenza annually to each licensed center.

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 41:639 (April 2015), effective July 1, 2015, amended LR 44:1867 (October 2018), LR:49

§1919. Food Service and Nutrition

- A. – B. ...
1. be planned for each day of the week at a minimum and list the specific food items served;
2. be prominently posted, written or electronically, by the first day of each week at a minimum and remain posted throughout the week; and

3. ...

C. **Food Allergies and Special Diets.** ~~Information regarding food allergies and special diets of children shall be posted in the food preparation area with special care taken to ensure that individual names of children are not in public view. If a parent chooses to allow the center to post the child's name and allergy information in public view, the center shall obtain a signed and dated authorization from the parent.~~

1. Information regarding food allergies and special diets of children shall be posted in the food preparation area with special care taken to ensure that individual names of children are not in public view. If a parent chooses to allow the center to post the child's name and allergy information in public view, the center shall obtain a signed and dated authorization from the parent.

2. Children with allergies or special diets shall not be served foods identified as restricted by the parent.

D. A minimum of a breakfast or morning snack, lunch, and afternoon snack shall be served to children, and meals and snacks shall be served not more than three hours apart.

1. ~~Centers that~~ who do not serve breakfast shall have nutritious food available for children who arrive in the morning without having eaten breakfast.

2. Children under age four shall not have foods that are implicated in choking incidents. Examples of these foods include, but are not limited to: whole hot dogs, hot dogs sliced in rounds, raw carrot rounds, whole grapes, hard candy, nuts, seeds, raw peas, hard pretzels, hard chips with the exception of puffs, peanuts, popcorn, whole marshmallows other than when melted in other foods or found in boxed cereals, spoonful of peanut butter, and chunks of meat larger than what can be swallowed whole.

3. – J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(4).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:640 (April 2015), effective July 1, 2015, amended LR 44:257 (February 2018), effective March 1, 2018, LR 44:1867 (October 2018), LR 47:1279 (September 2021), LR 49:

§1921. Emergency Preparedness and Evacuation Planning

A. – A.3.

...

4. include specific procedures for handling children with disabilities and special health care needs, including the evacuation and transportation of children in wheelchairs;

5. – 11....

B. Individualized Emergency Plan. An individualized emergency plan shall be in place for each child with ~~special needs~~ special health care needs and shall include medical contact information and additional supplies and equipment as needed.

C. – E....

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 41:641 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 42:2173 (December 2016), LR 44:1867 (October 2018), LR 49:

**STATE 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, 305, 311, 709, 907, 1103, 1307, 1503, 1509, 1511, 1707, 1711, 1719, 1721, 1723, 1725, 1804, 1807, 1811, 1815, 1907, 1911, 1913, 1915, 1919, and 1921).

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

Signature of Contact Person: _____



Date Submitted: 06/15/2023

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
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, 305, 311, 709, 907, 1103, 1307, 1503, 1509, 1511, 1707, 1711, 1719, 1721, 1723, 1725, 1804, 1807, 1811, 1815, 1907, 1911, 1913, 1915, 1919, and 1921).

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

PLEASE RESPOND TO THE FOLLOWING:

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

☒ No
☐ Yes
☐ Lacks sufficient information to determine
- 2. WILL THE PROPOSED RULE AFFECT EARLY CHILDHOOD DEVELOPMENT AND PRESCHOOL THROUGH POSTSECONDARY EDUCATION DEVELOPMENT?

☒ No
☐ Yes
☐ Lacks sufficient information to determine
- 3. WILL THE PROPOSED RULE AFFECT EMPLOYMENT AND WORKFORCE DEVELOPMENT?

☒ No
☐ Yes
☐ Lacks sufficient information to determine
- 4. WILL THE PROPOSED RULE AFFECT TAXES AND TAX CREDITS?

☒ No
☐ Yes
☐ Lacks sufficient information to determine
- 5. WILL THE PROPOSED RULE AFFECT CHILD AND DEPENDENT CARE, HOUSING, HEALTH CARE, NUTRITION, TRANSPORTATION, AND UTILITIES ASSISTANCE?

☐ No
☒ Yes
☐ Lacks sufficient information to determine

Signature of Contact Person: Ashley Townsend
Date Submitted: 06/15/2023

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 staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. 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, August 9, 2023, 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.

Shan N. Davis
Executive Director