

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Part CLXV. Bulletin 139— Louisiana Child Care and Development Fund  
(LAC28:CLXV.103, 701, 703, 705, 707, 709, 901, 902, 903, 1101, 1103, 1105, 1107, 1109)

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:CLXV Bulletin 139 – *Louisiana Child Care and Development Fund*. The proposed revisions allow CCAP-certified family child care providers to apply for academic approval and participate in the unified quality rating system and initiatives.

#### **Title 28**

#### **EDUCATION**

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

#### **Chapter 1. Child Care Assistance Program**

#### **§103. Definitions**

*Louisiana Pathways Early Learning Center Career Development System (LA Pathways)*—the state practitioner registry maintained by the department or its contractor. LA pathways registers child care facility directors and staff according to requirements based on training and education, experience, and professional activities, as approved by the department. Categories are established for early learning center staff, early learning center assistant teacher, early learning center teacher, early learning center assistant director and early learning center director.

*Quality Start Child Care Rating System*—system designed to assess the level of quality of early care and education programs serving birth through age five, communicate the level of quality, and support improvements of child care facilities.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2109 (October 2015), amended LR 42:42 (January 2016), LR 42:1870 (November 2016), LR 43:1279 (July 2017), LR 44:257 (February 2018), effective March 1, 2018, LR 44:800 (April 2018), LR 47:1279 (September 2021), LR.

#### **Chapter 7. Administration of School Readiness Tax Credits**

#### **§701. General School Readiness Tax Credit Provisions**

A. - C. ...

D. For purposes of this chapter and Chapters 9 and 11 of this Bulletin, the term “child care facilities” means any licensed Type III early learning center or registered and CCAP-certified family child care home that has current academic approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2117 (October 2015), amended LR.

#### **§703. Child Care Facility Expense Tax Credit**

A. The Department of Revenue shall make available to qualifying child care facilities a credit certificate to be given to each taxpayer claiming the child care facility expense tax credit. The credit certificate will consist of child care facility portion of the certificate and a taxpayer portion of the certificate.

B. The child care facility shall complete the child care facility portion of the credit certificate and shall submit the certificate to each taxpayer who had a child at the child care facility during the calendar year no later than January 31 of the succeeding year. The child care facility portion of the credit certificate will include, but not be limited to, the following information: the child care facility name, the child care facility star rating, the child care facility Louisiana tax identification number, the Louisiana early learning center license number or the certified family child care provider number from the department, the name of the child attending the child care facility, and the issue date and effective year. The child care facility shall submit to the Department of Revenue a list of all taxpayers to whom a certificate was issued.

C. ...

D. The department shall provide information necessary for the secretary of the Department of Revenue to determine the child care facility’s quality rating.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2117 (October 2015), amended LR.

**§705. Child Care Facility Tax Credit**

A. The average monthly number of children as used in R.S. 47:6105 is to be determined on a calendar year basis, and the child care facility shall claim the credit for the tax year that includes December 31. The child care facility tax credit will be calculated based on the average monthly number of children participating full-time in CCAP or the foster care program, from January to December of a calendar year, as follows:

A.1. - A.4. ...

B. The department shall provide documentation to each qualifying child care facility of the average monthly number of children participating in CCAP or in the foster care program. If the child care facility has multiple sites, the department shall provide this information for each site. The certificate shall be delivered or mailed to all qualifying child care facilities by March 1 of the year following the year the credit is earned. The certificate shall include, but not be limited to, the following information: the child care facility name, the child care facility star rating, the early learning center license number or the family child care provider number, and the issue date and effective year from the department.

C. Child care facilities that operate as a corporation or sole proprietorship shall submit or maintain the credit certificate as required by the secretary of the Department of Revenue in forms and instructions.

D. For child care facilities that operate as flow-through entities such as partnerships, LLCs electing partnership treatment, or S corporations passing credits through to shareholders, every partner, member, or shareholder claiming the credit must submit or maintain copies of the information issued by the department for each site. Every partner, member, or shareholder claiming the credit must submit or maintain a schedule showing how the total credit is allocated to each partner, member or shareholder.

E. The department shall provide information necessary for the secretary of the Department of Revenue to determine and/or verify the child care facility’s quality rating.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2118 (October 2015), amended LR .

**§707. Credit for Child Care Facility Directors and Staff**

A. ...

B. In order to claim this credit, the department or their representative must provide child care facility directors and staff members with a certificate no later than January 31 that states which level of qualification the employee meets according to the criteria established by the department. The taxpayer must submit or maintain the certificate as required by the secretary of the Department of Revenue in forms and instructions.

C. Each child care facility director and staff member will also have to verify that he/she has worked at the same child care facility for at least six months in the calendar year and for an average of at least 30 hours per week, unless otherwise approved by the LDE.

1. Due to the COVID-19 pandemic, for the 2020 calendar year, a facility director or staff member will only have to verify that he/she has worked at the same child care facility or at least 300 hours in the calendar year in order to meet the work requirement in this Subsection.

D. Child care facility director and staff levels will have such meaning as provided by regulation issued by the department.

E. The maximum number of directors at a child care facility site who may receive the director credit in any given year is based on licensed capacity of the child care facility as indicated below.

Licensed Capacity	Maximum Number of Directors
15 or fewer children	1
16-50 children	2
51-100 children	3
101-200 children	4
201 or more children	5

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2118 (October 2015), amended by the Board of Elementary and Secondary Education LR 43:1280 (July 2017), LR 47:452 (April 2021), repromulgated LR 47:574 (May 2021), amended LR.

**§709. Business-Supported Child Care Facility Credits**

A. Business Child Care Facility Expense Credit

1. In order for a business to claim this credit, the business must provide the Department of Revenue the following information: the name and Louisiana revenue tax identification number of the child care facility to or for whom the eligible expenses were paid or made, the amount and nature of qualifying expenses at each child care facility as defined in R.S. 17:407.33, and the child care facility's quality rating.

2. The department shall provide information necessary for the secretary of the Department of Revenue to determine and/or verify the child care facility's quality rating.

B. - B.3.

...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2118 (October 2015), amended LR.

## **Chapter 9. Louisiana Pathways Early Learning Center Career Development System (LA Pathways)**

### **§901. Authority**

A. The Louisiana pathways child care facility career development system (LA pathways) is the state practitioner registry maintained by the LDE or its contractor. LA pathways offers child care facility staff, including directors, teachers, assistant teachers and other classroom staff, a formal mechanism to track their training, educational attainment and experience in the field of early childhood care and education.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, R.S. 17:407.26, and R.S. 47:6101 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2119 (October 2015), amended LR 43:1281 (July 2017), LR.

### **§902. Definitions**

*Administrator Track for LA Pathways*—professional career ladder registry designed for administrators in child care facilities that recognizes individuals based on the educational attainment and professional participation.

*Classroom Track for LA Pathways*—professional career ladder registry designed for classroom staff within child care facilities that recognizes individuals based on the educational attainment and commitment to the field.

*Early Childhood Ancillary Certificate*—certificate issued by the LDE that allows a qualified person to act as a lead teacher within a type III early learning center or family child care home.

*Family Child Care Track for LA Pathways*—professional career ladder registry designed for family child care providers that recognizes individuals based on the educational attainment and commitment to the field.

*Louisiana Pathways Early Learning Center Career Development System (LA Pathways)*—state practitioner registry maintained by the LDE or its contractor that registers care facility directors and staff based on training, education, experience and professional activities.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, R.S. 17:407.26, and R.S. 47:6101 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, amended LR 43:1281 (July 2017), LR.

### **§903. Participation in LA Pathways**

A.1. Any individual working or planning to work in the child care facility industry as a director of a child care facility is eligible to enroll in LA pathways by completing and submitting an application and the required documents to LA pathways.

2. Any individual working or planning to work in the child care facility industry as a staff member of a child care facility is eligible to enroll in LA pathways by either completing and submitting an application and the required documents to LA pathways or by submitting an application for an early childhood ancillary certificate to the LDE.

3. LA pathways will register child care facility directors and staff according to requirements based on training and education, experience and professional activities, as approved by the LDE. Participation is voluntary.

A.4. - G.3.d. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2119 (October 2015), amended LR 42:46 (January 2016), LR 43:1281 (July 2017), LR 44:262 (February 2018), LR.

## Chapter 11. Unified Quality Rating System for Child Care Facilities

### §1101. Authority

A. The unified quality rating system for child care facilities is established and administered by the LDE under the authority of state and federal laws.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2121 (October 2015), amended LR 43:1285 (July 2017), LR.

### §1103. Definitions

*Child Care Provider*—a taxpayer who owns an eligible child care facility or facilities.

*Early Childhood Care and Education Network*—the network established through R.S. 17:407.23 and Bulletin 140 as the comprehensive and integrated network through which BESE manages and oversees publicly-funded early childhood care and education programs, which include type III early learning centers and family child care homes that are registered, CCAP-certified, and have current academic approval by the department, in order to improve kindergarten readiness.

*Eligible Child Care Facility*—a type III early learning center that has current academic approval and a valid type III early learning center license issued by the LDE and is participating in the unified quality rating system, or a family child care home that is registered, CCAP-certified, and has current academic approval by the department and is participating in the unified quality rating system.

*Quality Rating*—the number of “stars” awarded to an eligible child care facility by the unified quality rating system on July 1 of each year.

*Unified Quality Rating System*—system that sets forth the criteria for evaluating and rating the quality of an eligible child care facility in terms of “stars” with five “stars” being the highest.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2121 (October 2015), amended LR 43:1285 (July 2017), LR.

### §1105. Unified Quality Rating System for Child Care Facilities

A. The unified quality rating system consists of five star ratings that may be awarded to child care facilities based on the level of quality of early child care and education provided by child care facilities serving children from birth through age five. The unified quality rating system is designed to recognize the quality of early care and education provided, communicate the level of quality, and support improvements of child care facilities.

A.1. -- A.1.b. ...

2. To be eligible for participation in the unified quality rating system, a family child care home must:

a. have current academic approval issued by the department in compliance with §313 of *Bulletin 140—Louisiana Early Childhood Care and Education Network*; and

b. be registered and have current certification for CCAP issued by LDE in compliance with this Bulletin.

3. A child care facility is participating in the unified quality rating system if it is eligible for participation and has notified the LDE of the desire to participate and willingness to sign the required documents verifying eligibility for tax credits.

B. A star rating shall be awarded to an eligible, participating child care facility based on the performance rating the facility receives on its annual performance profile issued by the LDE as part of the early childhood care and education accountability system (ECCE accountability system). The ECCE accountability system was created pursuant to R.S. 17:407.23(B)(3) and Bulletin 140, and is used to evaluate the performance of publicly-funded early childhood care and education sites, which include child care facilities and community networks in preparing children for kindergarten and to assign a performance profile to each site, which include child care facilities and community networks.

1. All publicly funded early childhood care and education sites, which include eligible child care, are required to participate in the ECCE accountability system pursuant to §501 of Bulletin 140, and each publicly-funded site, which includes eligible child care facilities must receive a performance profile based its performance each school year.

2. Performance profiles for publicly-funded sites, which include eligible child care facilities, must include a performance rating as provided in §509 of Bulletin 140.

3. Performance rating calculations for publicly-funded sites, which include eligible child care, are made in accordance with §503 and §509 of Bulletin 140.

#### C. Star Ratings for Child Care Facilities

1. An eligible, participating child care facility that earns a performance rating score of 3.00 through 3.74 on its performance profile issued by the LDE shall be awarded a one star quality rating.

2. An eligible, participating child care facility that earns a performance rating score of 3.75 through 4.49 on its performance profile issued by the LDE shall be awarded a two star quality rating.
3. An eligible, participating child care facility that earns a performance rating score of 4.50 through 5.24 on its performance profile issued by the LDE shall be awarded a three star quality rating.
4. An eligible, participating child care facility that earns a performance rating score of 5.25 through 5.99 on its performance profile issued by the LDE shall be awarded a four star quality rating.
5. An eligible, participating care facility that earns a performance rating score of 6.00 through 7.00 on its performance profile issued by the LDE shall be awarded a five star quality rating.

D. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2122 (October 2015), amended LR 43:1285 (July 2017), LR.

### **§1107. Participation**

A. Child care facilities that have achieved a star rating may have their rating reviewed and modified, if at any time it becomes known to the LDE or the LDE receives information from the child care facility that child care facility no longer meets standards for the child care facility's current star rating award.

B. Early learning centers that have achieved a star rating will have their rating revoked if the early learning center license is revoked or not renewed. Family child care homes that have achieved a star rating will have their rating revoked if their registration, CCAP-certification, or academic approval is revoked or not renewed.

C. Child care facilities that have achieved a star rating may have their rating revoked, or child care facilities applying may be denied, if it is determined by the LDE that false or misleading statements or documents have been submitted or misrepresented or relevant facts have been concealed or withheld in order to qualify or maintain a star(s) in the unified quality rating system or to obtain the school readiness tax credit (SRTC).

D. - E....

F. Child care facilities that have a star award revoked by quality start may be prohibited from participating in quality start for 12 months from the date of revocation of star award.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2126 (October 2015), amended LR 43:1286 (July 2017), LR.

### **§1109. Unified Quality Rating System Tiered Bonus Payments**

A. Bonus payments will be issued after the end of each calendar quarter to child care facilities that care for children receiving assistance from the Child Care Assistance Program and for children in the state Foster Care Program in accordance with the child care facility's star rating. The payment is equal to a percentage, as defined below, of all child care subsidy payments received by the child care facility from the LDE for services provided during the service period(s) in that quarter and the child care facility's star rating(s).

1. Bonus payments for the period from January 1, 2018 through December 31, 2018 shall be based on the child care facility's 2016-2017 performance profile rating and the following percentages:

A.1.a. -- A.1.e. ...

2. Bonus payments for the period from January 1, 2019 through December 31, 2019 shall be based on the child care facility's 2017-2018 performance profile rating and the following percentages:

A.2.a. -- A.2.e. ...

3. Bonus payments for the period from January 1, 2020 through December 31, 2020 shall be based on the child care facility's 2018-2019 performance profile rating and the following percentages:

A.3.a. -- A.3.e. ...

4. Bonus payments for the period from January 1, 2021 through December 31, 2021, and subsequent years, shall be based on the child care facility's 2019-2020 performance profile rating, and the performance profiles for subsequent years, and the following percentages:

A.4.a. -- A.4.3. ...

B. The state superintendent of education may, in specific instances, grant a waiver allowing the LDE to continue to use an child care facility's star rating as of June 30 in calculating bonus payments for up to two quarters beginning on July 1 of the same calendar year, in a year in which the child care facility's star rating decreases, if the superintendent

## COMPARISON DOCUMENT

### Title 28

### EDUCATION

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

### Chapter 1. Child Care Assistance Program

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### §701. General School Readiness Tax Credit Provisions

A. - C. ...

D. For purposes of this chapter and Chapters 9 and 11 of this Bulletin, the term “child care facilities” means any licensed Type III early learning center or registered and CCAP-certified family child care home that has current academic approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2117 (October 2015), amended LR.

### §703. ~~Early Learning Center~~ Child Care Facility Expense Tax Credit

A. The Department of Revenue shall make available to qualifying ~~early learning centers~~ child care facilities a credit certificate to be given to each taxpayer claiming the ~~early learning center~~ child care facility expense tax credit. The credit certificate will consist of an ~~early learning center~~ child care facility portion of the certificate and a taxpayer portion of the certificate.

B. The ~~early learning center~~ child care facility shall complete the ~~early learning center~~ child care facility portion of the credit certificate and shall submit the certificate to each taxpayer who had a child at the ~~early learning center~~ child care facility during the calendar year no later than January 31 of the succeeding year. The ~~early learning center~~ child care facility portion of the credit certificate will include, but not be limited to, the following information: the ~~early learning center~~ child care facility name, the ~~early learning center~~ child care facility star rating, the ~~early learning center~~ child care facility Louisiana tax identification number, the Louisiana early learning center license number or the certified family child care provider number from the department, the name of the child attending the ~~early learning center~~ child care facility, and the issue date and effective year. The ~~early learning center~~ child care facility shall submit to the Department of Revenue a list of all taxpayers to whom a certificate was issued.

C. ...

D. The department shall provide information necessary for the secretary of the Department of Revenue to determine the ~~early learning center's~~ child care facility's quality rating.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2117 (October 2015), amended LR.

### §705. ~~Early Learning Center~~ Child Care Facility Tax Credit

A. The average monthly number of children as used in R.S. 47:6105 is to be determined on a calendar year basis, and the ~~early learning center~~ child care facility shall claim the credit for the tax year that includes December 31. The ~~early learning center~~ child care facility tax credit will be calculated based on the average monthly number of children participating full-time in CCAP or the foster care program, from January to December of a calendar year, as follows:

A.1. - A.4. ...

B. The department shall provide documentation to each qualifying ~~early learning center~~ child care facility of the average monthly number of children participating in CCAP or in the foster care program. If the ~~early learning center~~ child care facility has multiple sites, the department shall provide this information for each site. The certificate shall be delivered or mailed to all qualifying ~~early learning centers~~ child care facilities by March 1 of the year following the year the credit is earned. The certificate shall include, but not be limited to, the following information: the ~~early learning center~~ child care facility name, the ~~early learning center~~ child care facility star rating, the early learning center license number or the family child care provider number, and the issue date and effective year from the department.

C. ~~Early learning centers~~ Child care facilities that operate as a corporation or sole proprietorship shall submit or maintain the credit certificate as required by the secretary of the Department of Revenue in forms and instructions.

D. For ~~early learning centers~~ child care facilities that operate as flow-through entities such as partnerships, LLCs electing partnership treatment, or S corporations passing credits through to shareholders, every partner, member, or shareholder claiming the credit must submit or maintain copies of the information issued by the department for each site. Every partner, member, or shareholder claiming the credit must submit or maintain a schedule showing how the total credit is allocated to each partner, member or shareholder.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2118 (October 2015), amended LR .

**§707. Credit for ~~Early Learning Center~~ Child Care Facility Directors and Staff**

A. ...

B. In order to claim this credit, the department or their representative must provide ~~early learning center~~ child care facility directors and staff members with a certificate no later than January 31 that states which level of qualification the employee meets according to the criteria established by the department. The taxpayer must submit or maintain the certificate as required by the secretary of the Department of Revenue in forms and instructions.

C. Each ~~early learning center~~ child care facility director and staff member will also have to verify that he/she has worked at the same ~~early learning center~~ child care facility for at least six months in the calendar year and for an average of at least 30 hours per week, unless otherwise approved by the LDE.

1. Due to the COVID-19 pandemic, for the 2020 calendar year, a ~~center~~ facility director or staff member will only have to verify that he/she has worked at the same ~~early learning center~~ child care facility or at least 300 hours in the calendar year in order to meet the work requirement in this Subsection.

D. ~~Early learning center~~ child care facility director and staff levels will have such meaning as provided by regulation issued by the department.

E. The maximum number of directors at an ~~early learning center~~ child care facility site who may receive the director credit in any given year is based on licensed capacity of the ~~early learning center~~ child care facility as indicated below.

Licensed Capacity	Maximum Number of Directors
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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2118 (October 2015), amended by the Board of Elementary and Secondary Education LR 43:1280 (July 2017), LR 47:452 (April 2021), repromulgated LR 47:574 (May 2021), amended LR.

**§709. Business-Supported ~~Early Learning Center~~ Child Care Facility Credits**

A. Business ~~Early Learning Center~~ Child Care Facility Expense Credit

1. In order for a business to claim this credit, the business must provide the Department of Revenue the following information: the name and Louisiana revenue tax identification number of the ~~early learning center child care facility~~ to or for whom the eligible expenses were paid or made, the amount and nature of qualifying expenses at each ~~early learning center child care facility~~ as defined in R.S. 17:407.33, and the ~~early learning center's child care facility's~~ quality rating.

2. The department shall provide information necessary for the secretary of the Department of Revenue to determine and/or verify the ~~early learning center's child care facility's~~ quality rating.

B. - B.3.

...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

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## **Chapter 9. Louisiana Pathways Early Learning Center Career Development System (LA Pathways)**

### **§901. Authority**

A. The Louisiana pathways ~~early learning center child care facility~~ career development system (LA pathways) is the state practitioner registry maintained by the LDE or its contractor. LA pathways offers ~~early learning center child care facility~~ staff, including directors, teachers, assistant teachers and other classroom staff, a formal mechanism to track their training, educational attainment and experience in the field of early childhood care and education.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, R.S. 17:407.26, and R.S. 47:6101 et seq.

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### **§902. Definitions**

*Administrator Track for LA Pathways*—professional career ladder registry designed for administrators in ~~early learning centers child care facilities~~ that recognizes individuals based on the educational attainment and professional participation.

*Classroom Track for LA Pathways*—professional career ladder registry designed for classroom staff within ~~early learning centers child care facilities~~ that recognizes individuals based on the educational attainment and commitment to the field.

*Early Childhood Ancillary Certificate*—certificate issued by the LDE that allows a qualified person to act as a lead teacher within a type III early learning center or family child care home.

*Family Child Care Track for LA Pathways*—professional career ladder registry designed for family child care providers that recognizes individuals based on the educational attainment and commitment to the field.

*Louisiana Pathways Early Learning Center Career Development System (LA Pathways)*—state practitioner registry maintained by the LDE or its contractor that registers ~~early learning center child care facility~~ directors and staff based on training, education, experience and professional activities.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, amended LR 43:1281 (July 2017), LR.

### **§903. Participation in LA Pathways**

A.1. Any individual working or planning to work in the ~~early learning center child care facility~~ industry as a director of an ~~early learning center child care facility~~ is eligible to enroll in LA pathways by completing and submitting an application and the required documents to LA pathways.

2. Any individual working or planning to work in the ~~early learning center child care facility~~ industry as a staff member of an ~~early learning center child care facility~~ is eligible to enroll in LA pathways by either completing and submitting an application and the required documents to LA pathways or by submitting an application for an early childhood ancillary certificate to the LDE.

3. LA pathways will register ~~early learning center child care facility~~ directors and staff according to requirements based on training and education, experience and professional activities, as approved by the LDE. Participation is voluntary.

A.4. -- G.3.d.

...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2119 (October 2015), amended LR 42:46 (January 2016), LR 43:1281 (July 2017), LR 44:262 (February 2018), LR.



## Chapter 11. Unified Quality Rating System for ~~Type III Early Learning Centers~~ Child Care Facilities

### §1101. Authority

A. The unified quality rating system for ~~type III early learning centers~~ child care facilities is established and administered by the LDE under the authority of state and federal laws.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2121 (October 2015), amended LR 43:1285 (July 2017), LR .

### §1103. Definitions

*Child Care Provider*—a taxpayer who owns an eligible ~~early learning center~~ child care facility or ~~centers~~ facilities.

*Early Childhood Care and Education Network*—the network established through R.S. 17:407.23 and Bulletin 140 as the comprehensive and integrated network through which BESE manages and oversees publicly-funded early childhood care and education programs, which include type III early learning centers and family child care homes that are registered, CCAP-certified, and have current academic approval by the department, in Louisiana in order to improve kindergarten readiness.

*Eligible ~~Early Learning Center~~ Child Care Facility*—a type III early learning center that has current academic approval and a valid type III early learning center license issued by the LDE and is participating in the unified quality rating system, or a family child care home that is registered, CCAP-certified, and has current academic approval by the department and is participating in the unified quality rating system.

*Quality Rating*—the number of “stars” awarded to an eligible child care facility by the unified quality rating system on July 1 of each year.

*Unified Quality Rating System*—system that sets forth the criteria for evaluating and rating the quality of an eligible child care facility in terms of “stars” with five “stars” being the highest.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2121 (October 2015), amended LR 43:1285 (July 2017), LR .

### §1105. Unified Quality Rating System for ~~Type III Early Learning Centers~~ Child Care Facilities

A. The unified quality rating system consists of five star ratings that may be awarded to ~~type III early learning centers~~ child care facilities based on the level of quality of early child care and education provided by ~~type III early learning centers~~ child care facilities serving children from birth through age five. The unified quality rating system is designed to recognize the quality of early care and education provided, communicate the level of quality, and support improvements of ~~type III early learning centers~~ child care facilities.

A.1. -- A.1.b. ...

2. To be eligible for participation in the unified quality rating system, a family child care home must:

a. have current academic approval issued by the department in compliance with §313 of *Bulletin 140—Louisiana Early Childhood Care and Education Network*; and

b. be registered and have current certification for CCAP issued by LDE in compliance with this Bulletin.

23. A ~~type III early learning center~~ child care facility is participating in the unified quality rating system if it is eligible for participation and has notified the LDE of the desire to participate and willingness to sign the required documents verifying eligibility for tax credits.

B. A star rating shall be awarded to an eligible, participating child care facility ~~type III early learning center~~ based on the performance rating the ~~center~~ facility receives on its annual performance profile issued by the LDE as part of the early childhood care and education accountability system (ECCE accountability system). The ECCE accountability system was created pursuant to R.S. 17:407.23(B)(3) and Bulletin 140, and is used to evaluate the performance of publicly-funded early childhood care and education sites, which include child care facilities ~~type III early learning centers~~, and community networks in preparing children for kindergarten and to assign a performance profile to each site, which include ~~type III early learning centers~~ child care facilities and community networks.

1. All publicly funded early childhood care and education sites, which include eligible child care facilities ~~type III early learning centers~~, are required to participate in the ECCE accountability system pursuant to §501 of Bulletin 140, and each publicly-funded site, which includes eligible child care facilities ~~all type III early learning centers~~ must receive a performance profile based its performance each school year.

2. Performance profiles for publicly-funded sites, which include eligible child care facilities ~~type III early learning centers~~, must include a performance rating as provided in §509 of Bulletin 140.

3. Performance rating calculations for publicly-funded sites, which include eligible child care facilities ~~type III early learning centers~~, are made in accordance with §503 and §509 of Bulletin 140.

### C. Star Ratings for ~~Type III Early Learning Centers~~ Child Care Facilities

1. An eligible, participating ~~type III early learning center~~ child care facility that earns a performance rating score of 3.00 through 3.74 on its performance profile issued by the LDE shall be awarded a one star quality rating.
2. An eligible, participating ~~type III early learning center~~ child care facility that earns a performance rating score of 3.75 through 4.49 on its performance profile issued by the LDE shall be awarded a two star quality rating.
3. An eligible, participating ~~type III early learning center~~ child care facility that earns a performance rating score of 4.50 through 5.24 on its performance profile issued by the LDE shall be awarded a three star quality rating.
4. An eligible, participating ~~type III early learning center~~ child care facility that earns a performance rating score of 5.25 through 5.99 on its performance profile issued by the LDE shall be awarded a four star quality rating.
5. An eligible, participating ~~type III early learning center~~ child care facility that earns a performance rating score of 6.00 through 7.00 on its performance profile issued by the LDE shall be awarded a five star quality rating.

D. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2122 (October 2015), amended LR 43:1285 (July 2017), LR.

### §1107. Participation

A. ~~Early learning centers~~ Child care facilities that have achieved a star rating may have their rating reviewed and modified, if at any time it becomes known to the LDE or the LDE receives information from the ~~early learning center~~ child care facility that the ~~type III early learning center~~ child care facility no longer meets standards for the ~~early learning center's~~ child care facility's current star rating award.

B. Early learning centers that have achieved a star rating will have their rating revoked if the early learning center license is revoked or not renewed. Family child care homes that have achieved a star rating will have their rating revoked if their registration, CCAP-certification, or academic approval is revoked or not renewed.

C. ~~Early learning centers~~ Child care facilities that have achieved a star rating may have their rating revoked, or ~~centers~~ child care facilities applying may be denied, if it is determined by the LDE that false or misleading statements or documents have been submitted or misrepresented or relevant facts have been concealed or withheld in order to qualify or maintain a star(s) in the unified quality rating system or to obtain the school readiness tax credit (SRTC).

D. -- E. ...

F. ~~Early learning centers~~ Child care facilities that have a star award revoked by quality start may be prohibited from participating in quality start for 12 months from the date of revocation of star award.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2126 (October 2015), amended LR 43:1286 (July 2017), LR.

### §1109. Unified Quality Rating System Tiered Bonus Payments

A. Bonus payments will be issued after the end of each calendar quarter to ~~type III early learning centers~~ child care facilities that care for children receiving assistance from the Child Care Assistance Program and for children in the state Foster Care Program in accordance with the ~~early learning center's~~ child care facility's star rating. The payment is equal to a percentage, as defined below, of all child care subsidy payments received by the ~~early learning center~~ child care facility from the LDE for services provided during the service period(s) in that quarter and the ~~early learning center's~~ child care facility's star rating(s).

1. Bonus payments for the period from January 1, 2018 through December 31, 2018 shall be based on the ~~early learning center's~~ child care facility's 2016-2017 performance profile rating and the following percentages:

A.1.a. -- A.1.e. ...

2. Bonus payments for the period from January 1, 2019 through December 31, 2019 shall be based on the ~~early learning center's~~ child care facility's 2017-2018 performance profile rating and the following percentages:

A.2.a. -- A.2.e. ...

3. Bonus payments for the period from January 1, 2020 through December 31, 2020 shall be based on the ~~early learning center's~~ child care facility's 2018-2019 performance profile rating and the following percentages:

A.3.a. -- A.3.e. ...

4. Bonus payments for the period from January 1, 2021 through December 31, 2021, and subsequent years, shall be based on the ~~early learning center's~~ child care facility's 2019-2020 performance profile rating, and the performance profiles for subsequent years, and the following percentages:

A.4.a. -- A.4.3. ...

B. The state superintendent of education may, in specific instances, grant a waiver allowing the LDE to continue to use an ~~early learning center's~~ child care facility's star rating as of June 30 in calculating bonus payments for up to two quarters beginning on July 1 of the same calendar year, in a year in which the ~~early learning center's~~ child care facility's star rating decreases, if the superintendent determines that the economic or adverse impact of the decreased star rating is sufficiently great to reduce access for families participating in the Child Care Assistance Program.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2126 (October 2015), amended LR 43:1286 (July 2017), LR.

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) 342-2503 Office: Policy

Return  
Address: P. O. Box 94064 Rule  
Baton Rouge, LA Title: Part CLXV. Bulletin 139 – Louisiana  
Child Care and Development Fund  
Program (LAC28:CLXV.103, 701, 703,  
705, 707, 709, 901, 902, 903, 1101, 1103,  
1105, 117, 1109)

Date Rule  
Takes Effect: Upon final adoption by BESE

SUMMARY

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

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

The proposed revisions will result in increased costs for the Department of Education (LDE) and local school districts serving as Early Childhood Community Network lead agencies to conduct Classroom Assessment Scoring System (CLASS) observations of family child care providers which participate in the quality rating system. There will also be increased costs to the LDE to provide additional funding to Early Childhood Community Network lead agencies due to the increased number of classrooms within the networks.

The proposed revisions will result in additional costs for the LDE to contract with a third-party provider to conduct annual CLASS observations at Child Care Assistance Program (CCAP) certified family child care providers which participate in the unified quality rating system. The LDE currently pays the Picard Center \$450 per CLASS observation. If all 259 CCAP-certified family child care providers participated in the program, the annual cost would be \$116,550; however, the actual cost will depend on the number of participating providers and is indeterminable.

The proposed revisions will also increase the number of classrooms for which the LDE will need to provide funding to Early Childhood Community Network lead agencies by an indeterminable amount based on the number of family child care providers participating in the program. The Board of Elementary and Secondary Education approves funding for Community Network lead agencies. The agencies are funded with a combination of State General Funds and federal Child Care Development Funds (CCDF) at a rate of \$525 per classroom and \$787.50 per classroom for classrooms located within a secondary community network under the purview of the lead agency. Additionally, the rate of \$787.50 applies to classrooms located in school systems in community networks where more than 10% of their total classroom count are located in secondary school systems required to complete the LDE Super App.

The proposed revisions will result in additional costs to local school districts which serve as Early Childhood Community Network lead agencies to conduct twice-annual CLASS observations, which are required in addition to the annual LDE observations. Community Networks typically pay between \$100 and \$300 per observation. The cost will depend on the number of participating providers and is indeterminable.

The proposed revisions allow CCAP-certified family child care providers to apply for academic approval and participate in the unified quality rating system and initiatives.

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

The proposed revisions will lead to a decrease in state revenue collections to the extent that family child care providers opting in to the academic approval program may be eligible for the school readiness tax credit (SRTC). The SRTC currently applies to Type III early learning centers and includes credits for provider staff, the provider itself, the parents or guardians of enrolled children,

and qualifying business expenses in support of child care. Under the proposed revisions, family child care providers that participate in the quality rating system will qualify for the current SRTC. The LDE reports it is planning a separate SRTC track specific to family child care providers. The amount of revenue loss is indeterminable and will depend upon the SRTC structure as well as the number of participating providers.

For informational purposes, the average amount of SRTC claimed per early learning center staff member in 2020 was \$3,127. As of November 2021, 259 family child care providers self-identified to the Louisiana Department of Education, resulting in approximately \$809,893 in total SRTC potentially applied as a result of these revisions.

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

The proposed revisions will result in additional costs to nonprofit organizations serving as Early Childhood Community Network lead agencies to conduct twice-annual CLASS observations for participating child care providers. Community Network lead agencies typically pay \$100-\$300 per observation. The cost will depend on the number of participating providers and is indeterminable.

The proposed revisions will benefit participating family child care providers by making them eligible for SRTC tax credits. The amount of these tax credits will depend upon the SRTC structure developed by the LDE for participating family child care providers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions may result in additional employment for contractors who conduct CLASS observations on behalf of the LDE and Early Childhood Community Network.

DocuSigned by:

Beth Scioneaux  
Signature of Agency Head or Designee

Alan M. Bostey  
Legislative Fiscal Officer or Designee

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

1/7/2022  
Date of Signature

1/10/22  
Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

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

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

The proposed revisions amend LAC 28:CLXV Bulletin 139 – *Louisiana Child Care and Development Fund Program* to allow CCAP-certified family child care providers to apply for academic approval and participate in the unified quality rating system and initiatives.

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

Prior to the COVID-19 pandemic, Louisiana was serving less than seven percent of the economically disadvantaged birth through two-year-olds and approximately one third of three-year-olds in the state. In order to close persistent gaps in access to publicly-funded high-quality child care, Louisiana must include home-based family child care in the long term strategy.

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

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

Yes.

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

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

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

The legislature appropriates State General Fund and Federal Child Care Development Fund (CCDF) funding for early childhood-related expenses in 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?

COSTS	FY21-22	FY22-23	FY23-24
PERSONAL SERVICES			
OPERATING EXPENSES	-0-	-0-	-0-
PROFESSIONAL SERVICES			
OTHER CHARGES	-0-	INCREASE	INCREASE
EQUIPMENT			
MAJOR REPAIR & CONSTR.			
POSITIONS (#)			
<b>TOTAL</b>	-0-	-0-	-0-

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

The proposed revisions will result in additional costs for the LDE to contract with a third-party provider to conduct annual CLASS observations at Child Care Assistance Program (CCAP) certified family child care providers which participate in the unified quality rating system. The LDE currently pays the Picard Center \$450 per CLASS observation. If all 259 CCAP-certified family child care providers participated in the program, the annual cost would be \$116,550; however, the actual cost will depend on the number of participating providers and is indeterminable.

The proposed revisions will also increase the number of classrooms for which the LDE will need to provide funding to Early Childhood Community Network lead agencies by an indeterminable amount based on the number of family child care providers participating in the program. The Board of Elementary and Secondary Education approves funding for Community Network lead agencies. The agencies are funded with a combination of State General Funds and federal Child Care Development Funds (CCDF) at a rate of \$525 per classroom and \$787.50 per classroom for classrooms located within a secondary community network under the purview of the lead agency. Additionally, the rate of \$787.50 applies to classrooms located in school systems in community networks where more than 10% of their total classroom count are located in secondary school systems required to complete the LDE Super App.

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

SOURCE	FY21-22	FY22-23	FY23-24
STATE GENERAL FUND	-0-	INCREASE	INCREASE
AGENCY SELF-GENERATED	-0-	-0-	-0-
DEDICATED			
FEDERAL FUNDS	-0-	INCREASE	INCREASE
OTHER (Specify)			
<b>TOTAL</b>	-0-	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.

The proposed revisions will result in additional costs to local school districts which serve as Early Childhood Community Network lead agencies to conduct twice-annual CLASS observations, which are required in addition to the annual LDE observations. Community

Networks typically pay between \$100 and \$300 per observation. The cost will depend on the number of participating providers and is indeterminable.

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

The Board of Elementary and Secondary Education approves funding for Community Network lead agencies. The agencies are funded with a combination of State General Fund and Federal CCDF funding. The funding rate is \$525 per classroom. This rate is increased to \$787.50 per classroom for classrooms located within a secondary community network under the purview of the lead agency. Additionally, the rate of \$787.50 applies to classrooms located in school systems in community networks where more than 10% of their total classroom count are located in secondary school systems required to complete the LDE Super App.



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?

REVENUE INCREASE/DECREASE	FY21-22	FY22-23	FY23-24
STATE GENERAL FUND	-0-	DECREASE	DECREASE
AGENCY SELF GENERATED			
RESTRICTED FUNDS*			
FEDERAL FUNDS			
LOCAL FUNDS			
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

\*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.

The proposed revisions will lead to a decrease in state revenue collections to the extent that family child care providers opting in to the academic approval program may be eligible for the school readiness tax credit (SRTC). The SRTC currently applies to Type III early learning centers and includes credits for provider staff, the provider itself, the parents or guardians of enrolled children, and qualifying business expenses in support of child care. Under the proposed revisions, family child care providers that participate in the quality rating system will qualify for the current SRTC. The LDE reports it is planning a separate SRTC track specific to family child care providers. The amount of revenue loss is indeterminable and will depend upon the SRTC structure as well as the number of participating providers.

For informational purposes, the average amount of SRTC claimed per early learning center staff member in 2020 was \$3,127. As of November 2021, 259 family child care providers self-identified to the Louisiana Department of Education, resulting in approximately \$809,893 in total SRTC potentially applied as a result of these revisions.

## FISCAL AND ECONOMIC IMPACT STATEMENT

### WORKSHEET

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

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

The proposed revisions will result in additional costs to nonprofit organizations serving as Early Childhood Community Network lead agencies to conduct twice-annual CLASS observations for participating child care providers. Community Network lead agencies typically pay \$100-\$300 per observation. The cost will depend on the number of participating providers and is indeterminable.

The proposed revisions will benefit participating family child care providers by making them eligible for SRTC tax credits. The amount of these tax credits will depend upon the SRTC structure developed by the LDE for participating family child care providers.

- 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.

The Board of Elementary and Secondary Education approves funding for Community Network lead agencies. The agencies are funded with a combination of State General Fund and Federal CCDF funding. The funding rate is \$525 per classroom. This rate is increased to \$787.50 per classroom for classrooms located within a secondary community network under the purview of the lead agency. Additionally, the rate of \$787.50 applies to classrooms located in school systems in community networks where more than 10% of their total classroom count are located in secondary school systems required to complete the LDE Super App.

#### IV. EFFECTS ON COMPETITION AND EMPLOYMENT

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

The proposed revisions may result in additional employment for contractors who conduct CLASS observations on behalf of the LDE and Early Childhood Community Network.

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

Person Preparing Statement: Ashley Townsend  
Phone: 225-342-2503  
Division: Policy Office  
Rule Title: Part CLXV. Bulletin 139 – Louisiana Child Care and Development Fund Program (LAC28:CLXV.103, 701, 703, 705, 709, 901, 902, 903, 1101, 1103, 1105, 1107, 1109).

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

PLEASE RESPOND TO THE FOLLOWING:

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

Signature of Contact Person: *Ashley Townsend*

Date Submitted: 1/7/2022

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

Person Preparing Statement: Ashley Townsend

Phone: 225-342-2503

Division: Policy Office

Rule Title: Part CLXV, Bulletin 139 – Louisiana Child Care and Development Fund Program (LAC28:CLXV.103, 701, 703, 705, 707, 709, 901, 902, 903, 1101, 1103, 1105, 1107, 1109)

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: 1/7/2022

**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, February 10, 2022, 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