

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

Person  
Preparing  
Statement: Ryan Gremillion Dept.: LA Department of Education  
Board of Elementary &  
Secondary Education

Phone: (225) 342-1501 Office: Policy

Return  
Address: P. O. Box 94064 Rule  
Baton Rouge, LA Title: Part CLXI. Bulletin 137—  
Louisiana Early Learning Center  
Licensing Regulations

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)

Department of Education (LDE) expenditures of federal Child Care Development Funds (CCDF) will increase as a result of the proposed revisions to waive the \$15 processing fee for background checks on behalf of early learning centers.

The proposed revisions would waive the \$15 processing fee paid by early learning centers to the LDE for Child Care Criminal Background Checks (CCCBCs), pending availability of COVID-19 recovery funds. This will result in an indeterminable increase in federal CCDF expenditures, to be utilized by the Department for administrative costs in lieu of Self-Generated Revenues received from providers. Assuming the average processing fee revenue received by the Department is \$643,714 per year (based on pre-pandemic trends), the total amount of federal funds needed to cover processing costs are projected to total over \$1.9 M through September 30, 2024.

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

The LDE will experience a decrease in Self-Generated Revenues as a result of the proposed revisions to waive the \$15 processing fee paid by early learning centers for Child Care Criminal Background Checks (CCCBCs), pending availability of COVID-19 recovery funds. The LDE will utilize COVID-19 recovery funds for administrative costs in lieu of Self-Generated Revenues received from providers. This COVID-19 funding is available through September 30, 2024. At that time, and assuming no alternative means of financing is available, the Department will experience an increase in Self-Generated Revenues as providers resume payments of the \$15 processing fee.

Assuming the average processing fee revenue received by the Department is \$643,714 per year (based on pre-pandemic trends), the total amount of federal funds needed to cover processing costs are projected to total over \$1.9 M through September 30, 2024.

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

The proposed revisions will benefit early learning centers by waiving the Departmental \$15 processing fee while COVID-19 recovery funds are available.

The proposed revisions require all staff members on the premises of an early learning center and who are accessible to children to have current CPR and first aid certification, up from the current requirement of 50% of staff. To the extent early learning centers currently employ staff who do not hold CPR and first aid certification, the centers will experience increased costs, potentially significant on a statewide basis; however, such costs are indeterminable. Costs will vary by center based on the share of staff currently holding certification, staffing changes, and for recertification of staff. For illustrative purposes, an Adult and Pediatric CPR class offered by the Red Cross costs \$126 and is valid for two years.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

DocuSigned by:  
Beth Scioneaux  
Signature of Agency Head or Designee

Alan M. Byker  
Legislative Fiscal Officer or Designee

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

10/7/21  
Date of Signature

10/8/21  
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 allow for processing fees associated with Child Care Criminal Background Check (CCCBC) determinations of eligibility to be waived to the applicant and paid by the LDE utilizing COVID-19 funds while available.

Additional revisions to Bulletin 137 align Board of Elementary and Secondary Education (BESE) policy with U.S. Department of Health and Human Services, Office of Child Care (OCC) mandates that all staff members on the premises of an early learning center and who are accessible to children to have current CPR and first aid certification.

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

The U.S. Department of Health and Human Services, Office of Child Care (OCC) mandates that require all staff members on the premises of an early learning center and who are accessible to children to have current CPR and first aid certification.

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

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

No

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

(a) \_\_\_\_\_ Yes. If yes, attach documentation.

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

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			
PROFESSIONAL SERVICES			
OTHER CHARGES	INCREASE	INCREASE	INCREASE
EQUIPMENT			
<u>MAJOR REPAIR &amp; CONSTR.</u>			
<u>POSITIONS (#)</u>			
<b>TOTAL</b>	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</b>

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.

Department of Education (LDE) expenditures of federal Child Care Development Funds (CCDF) will increase as a result of the proposed revisions to waive the \$15 processing fee for background checks on behalf of early learning centers.

The proposed revisions would waive the \$15 processing fee paid by early learning centers to the LDE for Child Care Criminal Background Checks (CCCBCs), pending availability of COVID-19 recovery funds. This will result in an indeterminable increase in federal CCDF expenditures, to be utilized by the Department for administrative costs in lieu of Self-Generated Revenues received from providers. Assuming the average processing fee revenue received by the Department is \$643,714 per year (based on pre-pandemic trends), the total amount of federal funds needed to cover processing costs are projected to total over \$1.9 M through September 30, 2024.

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

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

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.

There are no anticipated costs or savings to local governmental units resulting from the proposed action.

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

N/A

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 LDE will experience a decrease in Self-Generated Revenues as a result of the proposed revisions to waive the \$15 processing fee paid by early learning centers for Child Care Criminal Background Checks (CCCBCs), pending availability of COVID-19 recovery funds. The LDE will utilize COVID-19 recovery funds for administrative costs in lieu of Self-Generated Revenues received from providers. This COVID-19 funding is available through September 30, 2024. At that time, and assuming no alternative means of financing is available, the Department will experience an increase in Self-Generated Revenues as providers resume payments of the \$15 processing fee.

Assuming the average processing fee revenue received by the Department is \$643,714 per year (based on pre-pandemic trends), the total amount of federal funds needed to cover processing costs are projected to total over \$1.9 M through September 30, 2024.

REVENUE INCREASE/DECREASE	FY21-22	FY22-23	FY23-24
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF GENERATED	(\$643,714)	(\$643,714)	(\$643,714)
RESTRICTED FUNDS*			
FEDERAL FUNDS			
LOCAL FUNDS			
<b>TOTAL</b>	<b>(\$643,714)</b>	<b>(\$643,714)</b>	<b>(\$643,714)</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.

N/A

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 benefit early learning centers by waiving the Departmental \$15 processing fee while COVID-19 recovery funds are available.

The proposed revisions require all staff members on the premises of an early learning center and who are accessible to children to have current CPR and first aid certification, up from the current requirement of 50% of staff. To the extent early learning centers currently employ staff who do not hold CPR and first aid certification, the centers will experience increased costs, potentially significant on a statewide basis; however, such costs are indeterminable. Costs will vary by center based on the share of staff currently holding certification, staffing changes, and for recertification of staff. For illustrative purposes, an Adult and Pediatric CPR class offered by the Red Cross costs \$126 and is valid for two years.

- 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.

N/A

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 will not have an effect on competition and employment.

COMPARISON DOCUMENT

Title 28

EDUCATION

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

Chapter 17. Minimum Staffing Requirements and Standards

§1723. CPR and First Aid Certifications

A. ~~Infant and Child CPR. Fifty percent of All~~ staff members on the premises of a center and accessible to children, ~~or at least four staff members on the premises and accessible to children, whichever is less,~~ shall have current certification in infant and child CPR through training approved by the department.

B. ~~Adult CPR. Fifty percent of All~~ staff members on the premises of a center and accessible to children, ~~or at least four staff members on the premises and accessible to children, whichever is less,~~ shall have current certification in adult CPR through training approved by the department.

C. ~~Pediatric First Aid. Fifty percent of All~~ staff members on the premises of a center and accessible to children, ~~or at least four staff members on the premises and accessible to children, whichever is less,~~ shall have current certification in pediatric first aid through training approved by the department.

D. ~~When a center has more than one building, each building shall have at least one staff member present at all times certified in the CPR and first aid appropriate for the age of the children present in the building. Certification. A copy of the certification for each such staff member shall be on-site at all times and available for inspection by the department.~~

E. ~~Certification. A copy of the certification for each such staff member shall be on site at all times and available for inspection by the department. First Responder. Staff members who maintain current certification as a first responder are considered to have current certification in CPR and pediatric first aid.~~

F. ~~First Responder. Staff members who maintain current certification as a first responder are considered to have current certification in CPR and pediatric first aid.~~

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:

Chapter 18. Child Care Criminal Background Checks (CCCBC)

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

A. ...

B. The department shall charge and collect a \$15 processing fee when it receives a request for a CCCBC-based determination of eligibility for child care purposes.

1. The processing fee may be waived and paid from COVID-19 recovery funds, where available.

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 47:

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

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

(LAC 28: CLXI.1723 and 1815)

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement to revise *Bulletin 137— Louisiana Early Learning Center Licensing Regulation*. The proposed revisions allow for processing fees associated with Child Care Criminal Background Check (CCCBC) determinations of eligibility to be waived to the applicant and paid by the LDE utilizing COVID-19 funds while available. Additional revisions to Bulletin 137 align Board of Elementary and Secondary Education (BESE) policy with U.S. Department of Health and Human Services, Office of Child Care (OCC) mandates that require all staff members on the premises of an early learning center and who are accessible to children to have current CPR and first aid certification.

**Title 28**

**EDUCATION**

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

**Chapter 17. Minimum Staffing Requirements and Standards**

**§1723. CPR and First Aid Certifications**

A. **Infant and Child CPR** All staff members on the premises of a center and accessible to children shall have current certification in infant and child CPR through training approved by the department.

B. **Adult CPR.** All staff members on the premises of a center and accessible to children shall have current certification in adult CPR through training approved by the department.

C. **Pediatric First Aid.** All staff members on the premises of a center and accessible to children shall have current certification in pediatric first aid through training approved by the department.

D. **Certification.** A copy of the certification for each such staff member shall be on-site at all times and available for inspection by the department.

E. **First Responder.** Staff members who maintain current certification as a first responder are considered to have current certification in CPR and pediatric first aid.

**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:

**Chapter 18. Child Care Criminal Background Checks (CCCBC)**

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

A. ...

B. The department shall charge and collect a \$15 processing fee when it receives a request for a CCCBC-based determination of eligibility for child care purposes.

1. The processing fee may be waived and paid from COVID-19 recovery funds, where available.

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 47:



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

Person Preparing Statement: Ryan Gremillion  
Phone: 225-342-1501  
Division: Policy Office  
Rule Title: Part CLXI. Bulletin 137— Louisiana Early Learning Center Licensing Regulations

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:   
Date Submitted: 10/7/2021

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

Person Preparing Statement: Ryan Gremillion

Phone: 225-342-1501

Division: Policy Office

Rule Title: Part XI. Bulletin 137— Louisiana Early Learning Center Licensing Regulations

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: *Ryan Gremillion*

Date Submitted: 10/7/2021

**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, November 10, 2021, 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