

NOTICE OF INTENT

Board of Elementary and Secondary Education

**Bulletin 139—Louisiana Child Care and Development Fund Programs—CCAP Household Eligibility
(LAC 28:CLXV.509 and 511)**

In accordance with R.S. 17:6 and R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education proposes to amend *Bulletin 139—Louisiana Child Care and Development Fund Programs*. The proposed amendments add an exception to the existing prohibition for caregivers to receive CCAP payments for children in their custody for a caregiver who serves as an eligible CCAP provider, in order for such provider to receive CCAP payments for the foster child who is cared for through the program. The proposed amendments also establish separate rates for the care of infants and toddlers, recognizing increased costs for infant care, and provide for a special needs rate above the base rate.

Title 28

EDUCATION

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

Chapter 3. CCAP Provider Certification

§319. Caregiver’s Ineligibility for CCAP Payments

A. A caregiver, even if certified to receive CCAP, may not receive CCAP payments for the caregiver’s own children or other children in the caregiver’s custody.

- 1. Exception: A caregiver may receive CCAP payments for foster children in the caregiver’s custody.

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 41:2114 (October 2015), LR 45:.

Chapter 5. CCAP Household Eligibility

§515. Payments Made on Behalf of Households

A. The state maximum daily rates for CCAP care are as follows.

Child Care Provider Type	Regular Care	Regular Care for Toddlers	Regular Care for Infants	Special Needs Care Incentive	Special Needs Care Incentive for Toddlers	Special Needs Care Incentive for Infants
Type III Early Learning Center	\$22.00	\$23.75	\$25.00	\$27.72	\$29.93	\$31.50
School Child Care Center	\$16.50	\$16.50	\$16.50	\$20.79	\$20.79	\$20.79
Family Child Care Provider	\$17.00	\$18.00	\$18.00	\$21.42	\$22.68	\$22.68
In-Home Provider	\$17.50	\$17.50	\$17.50	\$22.05	\$22.05	\$22.05
Military Child Care Centers	\$22.00	\$23.75	\$25.00	\$27.72	\$29.93	\$31.50

B. – G.

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AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2116 (October 2015), amended LR 42:44 (January 2016), LR 42:1870 (November 2016), LR 44:801 (April 2018), LR 45:.

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

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: _____
**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 CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs

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: _____

Date Submitted: _____

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, October 10, 2019, 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

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

Date Rule
Takes Effect: Upon final promulgation

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)

There will be increased costs to the Department of Education (LDE) as a result of the proposed changes to child care assistance program (CCAP) base reimbursement rates and eligibility for foster caregivers. The amount of any such increase is indeterminable at this time. In addition to base rate increases, the proposed changes also establish higher reimbursement rates for infants and special needs incentives for infants.

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

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

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

Caregivers receiving CCAP payments for foster children in the caregiver's custody may realize economic benefits as a result of the eligibility revisions. Individuals with children in the CCAP program may benefit in stable or lower child care payments to the extent the rate increases prevent providers from implementing higher co-payment amounts for parents.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed policy revisions will have no effect on competition and employment.

Signature of Agency Head or Designee

Legislative Fiscal Officer or Designee

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

Date of Signature

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 amendments add an exception to the existing prohibition for caregivers to receive CCAP payments for children in their custody for a caregiver who serves as an eligible CCAP provider, in order for such provider to receive CCAP payments for the foster child who is cared for through the program. The proposed amendments also establish separate rates for the care of infants and toddlers, recognizing increased costs for infant care, and provide for a special needs rate above the base rate.

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

The proposed amendments add an exception to the existing prohibition for caregivers to receive CCAP payments for children in their custody for a caregiver who serves as an eligible CCAP provider, in order for such provider to receive CCAP payments for the foster child who is cared for through the program. The proposed amendments also increase the base reimbursement rate for CCAP services and create a separate rate for infants and toddlers

- 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) Yes. If yes, attach documentation.

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

Increases will be funded with federal Child Care Development Funds as budgeted in Act 10 of 2019 (General Appropriation Bill).

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	FY19-20	FY20-21	FY21-22
PERSONAL SERVICES			
OPERATING EXPENSES	-0-	-0-	-0-
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
<u>MAJOR REPAIR & CONSTR.</u>			
<u>POSITIONS (#)</u>			
TOTAL	INDETERMINABLE	INDETERMINABLE	INDETERMINABLE

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.

There will be increased costs as a result of the proposed changes to child care assistance program (CCAP) base reimbursement rates and eligibility. The amount of any such increase is indeterminable at this time.

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

Increases will be funded with federal Child Care Development Funds as appropriated in ACT 10 of 2019.

SOURCE	FY19-20	FY20-21	FY21-22
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED	-0-	-0-	-0-
DEDICATED			
FEDERAL FUNDS	INDETERMINABLE	INDETERMINABLE	INDETERMINABLE
OTHER (Specify)			
TOTAL	INDETERMINABLE	INDETERMINABLE	INDETERMINABLE

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 fiscal impacts to local governmental units as a result of the proposed revisions.

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

No sources of funding of local governmental units will be affected by the proposed revisions.

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 revisions will not impact revenue collections of state and local governmental units.

REVENUE INCREASE/DECREASE	FY19-20	FY20-21	FY21-22
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF GENERATED			
RESTRICTED FUNDS*			
FEDERAL FUNDS			
LOCAL FUNDS			
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.

See above.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS 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.

Caregivers receiving CCAP payments for foster children in the caregiver's custody may realize economic benefits as a result of the proposed revisions. Furthermore, parents with children in the CCAP program may benefit from stable or lower co-payments to the extent the rate increases prevent providers from raising co-payment amounts. The amount of the impact is indeterminable at this time.

- 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.

No impact on income is anticipated as a result of this rule change.

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 impact on competition and employment.

COMPARISON DOCUMENT

Title 28

EDUCATION

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

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A. The state maximum daily rates for CCAP care are as follows.

Child Care Provider Type	Regular Care	<u>Regular Care for Toddlers</u>	Regular Care for Infants/Toddlers (under age 3)	Special Needs Care Incentive	<u>Special Needs Care Incentive for Toddlers</u>	Special Needs Care Incentive for Infants/Toddlers (under age 3)
Type III Early Learning Center	\$21.50 <u>\$22.00</u>	\$23.75	\$22.50 <u>\$25.00</u>	\$27.00 <u>\$27.72</u>	\$29.93	\$28.25 <u>\$31.50</u>
School Child Care Center	\$15.00 <u>\$16.50</u>	\$16.00 <u>\$16.50</u>	\$16.00 <u>\$16.50</u>	\$18.75 <u>\$20.79</u>	\$20.79	\$20.00 <u>\$20.79</u>
Family Child Care Provider	\$15.00 <u>\$17.00</u>	\$18.00	\$16.00 <u>\$18.00</u>	\$18.75 <u>\$21.42</u>	\$22.68	\$20.00 <u>\$22.68</u>
In-Home Provider	\$14.50 <u>\$17.50</u>	\$17.50	\$15.50 <u>\$17.50</u>	\$18.25 <u>\$22.05</u>	\$22.05	\$19.50 <u>\$22.05</u>
Military Child Care Centers	\$21.50 <u>\$22.00</u>	\$23.75	\$22.50 <u>\$25.00</u>	\$27.00 <u>\$27.72</u>	\$29.93	\$28.25 <u>\$31.50</u>

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