

NOTICE OF INTENT
Board of Elementary and Secondary Education

Child Safety and Welfare
(LAC 28:CLXI.103, 301, 303, 501, 701, 705, 711, 901, 1103, 1305, 1503, 1507, 1709, 1711, 1713, 1719, 1727, 1805, 1901, 1903, 1919, and 2103)
(LAC 28:CLXV.103, 310, 503, and 507)

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 (BESE) proposes to amend LAC 28:CLXI in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations* and LAC 28:CLXV in *Bulletin 139—Louisiana Child Care and Development Fund Programs*. Act 409 of the 2025 Regular Legislative Session established child safety and welfare minimum standards that require revisions to BESE policy regarding early childhood care and education centers and programs. Additionally, Act 351(2025) mandates eligibility criteria for public funding.

Title 28
EDUCATION
Part CLXI. *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*
Chapter 1. General Provisions
§103. Definitions

Early Learning Center—any child day care center, early head start center, head start center, nonpublic school prekindergarten program, or stand-alone prekindergarten program that is not attached to a school. The definition does not include Montessori schools, camps, and registered family day care homes.

State Central Registry—repository within the Louisiana Department of Children and Family Services (DCFS) that identifies any individual reported to have a substantiated finding of abuse or neglect of a child or children by DCFS.

Student Mentor—a student in fifth grade or above who is enrolled at the school that is associated with the center and is present in the center in a mentoring role. A student mentor shall not be left alone with children outside of supervision of licensed center staff and shall not be counted in the child to staff ratio.

Student Trainee—a student who is at least age 16 and present in the center as an educational course requirement. A student trainee shall not be left alone with children and shall not be counted in the child to staff ratio.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.31 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:616 (April 2015), effective July 1, 2015, amended LR 41:2103 (October 2015), LR 43:638 (April 2017), LR 44:247 (February 2018), effective March 1, 2018, LR 44:1858 (October 2018), LR 47:1274 (September 2021), LR 49:1710 (October 2023), LR 50:967 (July 2024), LR 51:

Chapter 3. Licensure
§301. Requirement of Licensure

- A. – B. ...
- C. A prekindergarten program operated by a nonpublic school serving children in grades kindergarten and above, and in which all children have not reached age five by September 30 of the current school year, shall be licensed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.34 and R.S. 17:24.8.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, LR 51:

§303. Exemptions from Licensure

- A. A public day school serving children in grades kindergarten and above, including any pre-kindergarten attached thereto, except as provided in §301.B, is exempt from the provisions of this bulletin. A nonpublic day school serving only children in grades kindergarten and above is exempt from the provisions of this Part.
- B. – C. ...
- D. Nothing in this bulletin shall apply to children in programs licensed or operated by the Louisiana Department of Health (LDH), the Department of Children and Family Services (DCFS), or the United States Department of Defense.
- E. A school in which the prekindergarten program is accredited or provisionally accredited by the Louisiana Montessori Association and all children have reached age three by September 30 of the current school year is exempt from the provisions of this Part.
- F. A registered family day care home is exempt from the provisions of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.35.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, LR 47:1275 (September 2021), LR 51:

§305. Operating Without a License; Registry; Penalties

- A. – B. ...
- C. Upon receipt of a court order enjoining an individual or entity from operating an early learning center without a valid, current early learning center license, the department shall notify local law enforcement, the local superintendent, and the early childhood community network lead agency, if different, in the parish in which the unlicensed care was provided, and in the parish in which the individual resides, if known and different from the parish in which the unlicensed care was provided, of the existence of such a court order.

D. The department shall publish on its website in a statewide registry the names of individuals or entities that have an existing court order prohibiting them from operating an early learning center without a current, valid early learning center license and that do not currently operate a center with a current valid license. The registry shall at a minimum include the name of the individual, the name of the center under which the unlicensed care was provided, and the parish in which the unlicensed care was provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.37.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, amended LR 41:2104 (October 2015), LR 44:1859 (October 2018), LR 45:525 (April 2019), LR 49:1710 (October 2023), LR 51:

Chapter 5. Ownership of Early Learning Centers
§501. Definitions

Juridical Entity—a corporation, partnership, limited-liability company, church, university, ~~or~~ governmental entity, or other non-natural person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.31 et seq., R.S. 17:407.41, and R.S. 17:407.42.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:620 (April 2015), effective July 1, 2015, LR 51:

Chapter 7. Licensing Process and Procedures
§701. Initial Application Process

A. – E.8. ...
9. written documentation establishing direct or indirect ownership of the center, as defined in §501 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.39.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:622 (April 2015), effective July 1, 2015, amended LR 41:2104 (October 2015), LR 44:248 (February 2018), effective March 1, 2018, LR 44:1860 (October 2018), LR 47:1275 (September 2021), LR 51:

§705. Access

A. – B.5. ...
C. Each early learning center shall maintain a secured point of entry into the licensed space or school to provide for supervision of ingress and egress during operating hours or when children are present.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.43.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:623 (April 2015), effective July 1, 2015, amended LR 44:248 (February 2018), effective March 1, 2018, LR 44:1860 (October 2018), LR 51:

§711. Renewal Applications

A. Repealed.
B. An application for renewal of a license shall be submitted using the department’s online electronic system, prior to the first day of the month in which the current license expires.
C. ...
D. Repealed.
E. Failure to submit a complete renewal application in accordance with this Section, including the total annual licensure fee and all required documentation, may result in nonrenewal and expiration of the license.
F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.40, and 17:407.43.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015, amended LR 44:1861 (October 2018), LR 51:

Chapter 9. Changes Requiring a New License
§901. Change in Location

A. Change in Location. When a center changes location, it is considered a new operation, and the center must submit a change in location application and fee for licensure, have verification of substantial compliance with the applicable licensing regulations, and have obtained approval from LDOE of the change in location application prior to opening at the new location.
B. – B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39 and R.S. 17:6 and 17:407.40.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1861 (October 2018), LR 50:967 (July 2024), LR 51:

Chapter 11. Operating Violations and Incidents; Fines; Appeals
§1103. Critical Incidents and Required Notifications

A. – E. ...
F. Child Safety and Minimum Standards Information. The LDOE shall provide information about child safety and minimum standards to each licensed center, no later than August first of each year. Each center shall distribute the document to the parents of all children enrolled in the center at the beginning of each school year. The document may be distributed electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1862 (October 2018), LR 47:1275 (September 2021), LR 49:1711 (October 2023), LR 50:968 (July 2024), LR 51:

Chapter 13. Denial, Revocation or Non-Renewal of License
§1305. Posting of Notice of Revocation, Suspension, or Refusal to Renew

A. The LDOE shall prominently post notice of a revocation or refusal to renew action at each public entrance of the center within one business day of such action. Notice of suspension may also be posted at each public entrance of the center.

B. Such notice of revocation or refusal to renew shall remain posted and visible to parents of children at the center throughout the pendency of any appeals of the revocation. Such notice of suspension, if posted, shall remain posted and visible to parents of children at the center throughout the pendency of the suspension.

C. The center shall not permit the destruction or removal of a notice of revocation, suspension, or refusal to renew action and shall ensure that the notice continues to be visible to any person entering the center throughout the pendency of any appeals or through the suspension period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.44.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 44:1863 (October 2018), LR 47:1276 (September 2021), LR 51:

Chapter 15. Minimum General Requirements and Standards

§1503. General Liability Insurance Policy

A. A center shall maintain in force at all times current commercial liability insurance for the operation of the center to ensure medical coverage for children in the event of accident or injury or other such liability insurance as verified by the owner of the center to ensure medical coverage for the children in the event of accident or injury for which the center may be liable.

B. Documentation of sufficient liability insurance shall consist of the insurance policy or current binder that includes the name of the early learning center, physical address of the center, name of the insurance company, policy number, period of coverage, and explanation of the coverage. If the center is self-insured, or if more than one insurance type is combined to comprise the required coverage, a notarized affidavit certifying the arrangement must be included with the insurance documentation submitted to LDOE.

C. – D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, LR 49:1712 (October 2023), LR 51:

§1507. Daily Attendance Records

A. – C. ...

D. Student Trainees and Student Mentors. A daily attendance record shall be maintained for all student trainees and student mentors to include the student’s first and last name, school affiliation, date, and arrival and departure times.

E. – F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:1864 (October 2018), LR 47:1276 (September 2021), LR 50:968 (July 2024), LR 51:

Chapter 17. Minimum Staffing Requirements and Standards

§1709. Director Qualifications

A. – B.1. ...

2. a national administrator credential and one year of experience in teaching or care in a licensed early learning center, or comparable setting, plus 6 credit hours or 90 clock hours of training in child care, child development, early childhood, or management/administration, subject to approval by the department;

3. three years of experience as a director or staff in a licensed early learning center, or comparable setting, subject to approval by the department plus 6 credit hours or 90 clock hours of training in child care, child development, early childhood, or management/administration approved by the department, or

4. current or prior employment at a school as a principal, assistant principal, or headmaster and either a graduate degree in any area from an institution accredited in accordance with 34 CFR 602, principalship on a valid Louisiana teaching certificate, or a valid Louisiana EDL certificate.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 44:250 (February 2018), effective March 1, 2018, LR 44:1865 (October 2018), LR 51:

§1711. Child-to-Staff Minimum Ratios

A. – B.1. ...

2. Only those staff members directly providing care, supervision or guidance to children shall be counted in the child to staff ratios. The same staff members shall not be used to meet the ratio requirements for two different groups of children at the same time.

C. The department's form noting required child-to-staff ratios shall be visibly posted in each room included in the center’s licensed capacity. The form shall include a phone number to file complaints regarding supervision.

D. – L.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(3).
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 43:638 (April 2017), LR 44:250 (February 2018), effective March 1, 2018, LR 44:1865 (October 2018), LR 45:525 (April 2019), LR 47:1276 (September 2021), LR 49:1712 (October 2023), LR 50:968 (July 2024), LR 51:

§1713. Supervision

A. ...

B. Children shall not be left alone in any room, (except the restroom as indicated in Subsection G of this), outdoors, or in vehicles, even momentarily, without staff present (except when being provided services by therapeutic professionals, or when the child is in custody of a parent or legal guardian as defined in §103 of this Part).

C. – G.1. ...

a. a staff member is in proximity to and can see the children to ensure immediate intervention to safeguard a child from harm or to assist with an accident while in the restroom;

- b. individuals who are not staff members or therapeutic professionals may not enter the center restroom area while in use by any child other than their own child,
- c. if a prekindergarten program or early learning center is part of a school with children in kindergarten or older, staff shall ensure that the children enrolled in the prekindergarten program or early learning center are not unsupervised when in the restroom at the same time as any older children who are using the restroom; and
- d. for any facility constructed after January 1, 2026, there shall be designated separate restrooms for the children enrolled in the prekindergarten program or early learning center.

2. A child age five and older may be permitted to go and return from the restroom without staff.

H. – J.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(3).
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:634 (April 2015), effective July 1, 2015, amended LR 41:2107 (October 2015), LR 42:554 (April 2016), LR 44:250 (February 2018), effective March 1, 2018, LR 51:

§1719. Orientation Training

A. – A.10. ...

- 11. closing policy;
- 12. transportation policy and vehicle inspection procedures; and
- 13. notification that parents’ written consent to release as required by §1515.B. of this Part shall not be applicable to staff members’ personal communication devices or accounts and shall only provide for the release of information, recordings, or photographs by the center. Documentation, signed by each staff member, confirming receipt of the policy shall be maintained.

B. – D.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:635 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016), LR 44:1866 (October 2018), LR 47:1277 (September 2021), LR 49:1712 (October 2023), LR 51:

§1727. Child Neglect and Abuse Mandatory Reporter Training

A. – B. ...

C. Beginning with the 2026-2027 school year and not later than September thirtieth of each year thereafter and in a manner prescribed by LDOE, each owner or operator of an early learning center shall submit a list to LDOE of all teaching and child care providers employed by the entity and identify the employees who have complied with the training requirements in accordance with this Section and those employees who have not complied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, Article 603.1, and 17:407.40(A)(1).
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:1278 (September 2021), LR 51:

Chapter 18. Child Care Criminal Background Checks (CCCBC)

§1805. Persons Ineligible for Child Care Purposes

A. – A.4. ...

B. A person shall also be ineligible for child care purposes if upon the department’s written request to DCFS after March 1, 2018, for information as to whether a person’s name is on the state central registry within DCFS, the department receives written notice from DCFS that the person’s name is recorded on the state central registry as a perpetrator for a substantiated finding of child abuse or neglect.

1. Until the required written notice is received from DCFS indicating that a person’s name is recorded on the state central registry as a perpetrator for a substantiated finding of child abuse or neglect, the department shall not withhold a determination that a person is eligible for child care purposes, unless the results of some other component of the CCCBC require a determination of ineligibility.

C. – D. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, 17:6, and R.S. 17:407.42.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:252 (February 2018), effective March 1, 2018, amended LR 44:1866 (October 2018), amended LR 45:224 (February 2019), LR 47:1278 (September 2021), LR 51:523 (April 2025), LR 51:

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

§1901. General Safety Requirements

A. – A.2. ...

3. Centers located in schools and churches shall have a staff-dedicated phone or two-way communication system within the licensed area.

4. – S.5. ...

T. Water beads or Orbeez shall be prohibited from the premises.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016), LR 44:1867 (October 2018), LR 47:1278 (September 2021), LR 49:1207 (July 2023), LR 50:969 (July 2024), LR 51:

§1903. Physical Environment

A. – D.1. ...

a. A center may request approval from the Office of State Fire Marshal and the LDOE, that starting August 1 each academic year, for children who are ages four and above by September 30 of the same year, a minimum of 25 square feet of usable indoor space shall be available per child in the specified space for four year old and above use only.

b. – E.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:637 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 44:256 (February 2018), effective March 1, 2018, effective March 1, 2018, LR 47:1278 (September 2021), LR 48:2549 (October 2022), LR 51:

§1919. Food Service and Nutrition

A. All meals and snacks provided by the center, and their preparation, service and storage, shall meet the requirements for meals of the U.S. Department of Agriculture (USDA) Child and Adult Care Food Program (CACFP), 7 CFR 226.20, and LAC 51:XXIII. If the center is located within a school that participates in the National School Lunch Program (NSLP) and the children are enrolled in that school, the center may follow applicable USDA NSLP meal pattern requirements and service guidelines in lieu of CACFP requirements per 7 CFR 210 and 220.

B. – I. ...

J. Bottled formula/breast milk for children shall be labeled with the child’s name.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:640 (April 2015), effective July 1, 2015, amended LR 44:257 (February 2018), effective March 1, 2018, LR 44:1867 (October 2018), LR 47:1279 (September 2021), LR 49:1714 (October 2023), LR 51:

Chapter 21. Minimum Transportation Requirements and Standards

§2103. Daily Transportation (Contract or Center Provided)

A. – D.1. ...

2. A contracted driver shall be considered a staff member for purposes of this Subsection if the driver is in compliance with the transportation regulations in accordance with this Chapter and §1719 of this Part, including but not limited to maintaining a daily passenger log in compliance with §2103.F, and completing and documenting a visual passenger check of the vehicle at the end of each route in compliance with §2107.A.

3. – F.3.g. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:642 (April 2015), effective July 1, 2015, amended LR 42:556 (April 2016), LR 44:257 (February 2018), effective March 1, 2018, LR 51:

Title 28

EDUCATION

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

Chapter 1. Child Care Assistance Program

§103. Definitions

Early Learning Center— any child day care center, early head start center, head start center, nonpublic school prekindergarten program, or stand-alone prekindergarten program that is not attached to a school. The definition does not include Montessori schools, camps, and registered family day care homes.

Head of Household—an individual who is over the age of 18 or under the age of 18 and emancipated by law with whom the child customarily resides more than half the time, and is a U.S. citizen or has satisfactory immigration status in accordance with 8 U.S.C. 1641(b). The head of household is either the child’s parent or an adult household member with primary responsibility for the child’s financial support and care, if the parent is not living in the home or is living in the home but is under age 18 and not emancipated by law, or is disabled and is unable to care for himself and his child(ren).

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 48:30 (January 2022), LR 48:1006 (April 2022), LR 49:1208 (July 2023), LR 50:969 (July 2024), LR 51:524 (April 2025), LR 51:

Chapter 3. CCAP Provider Certification

§310. Child Care Criminal Background Checks (CCCBCs) for Family Child Care Providers and In-Home Child Care Providers

A. – B.1.d. ...

2. A person shall also be ineligible for child care purposes if upon the department’s written request to DCFS after March 1, 2018, for information as to whether a person’s name is on the state central registry within DCFS, the department receives written notice from DCFS that the person’s name is recorded on the state central registry as a perpetrator for a substantiated finding of child abuse or neglect.

a. Until the required written notice is received from DCFS indicating that a person’s name is recorded on the state central registry as a perpetrator for a substantiated finding of child abuse or neglect, the department shall not withhold a determination that a person is eligible for child care purposes, unless the results of some other component of the person’s CCCBC require a determination of ineligibility.

3. – G.5.b. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:258 (February 2018), effective March 1, 2018, LR 48:31 (January 2022), LR 51:

Chapter 5. CCAP Household Eligibility

§503. Children Eligible for CCAP

A. – A.2. ...

3. customarily resides more than half the time with the person (head of household) who is applying for CCAP. The applicant shall verify U.S. citizenship or satisfactory immigration status in accordance with 8 U.S.C. 1641(b). A child is still considered to be

residing with the head of household for up to six weeks of scheduled absences from the home or early learning center, if there are definite plans for the child to return to the home or early learning center;

4. – B. ...

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 42:43 (January 2016), LR 51:

§507. Certification Requirements for Categorically Eligible Households

A. – A.4.b. ...

5. verify U.S. citizenship or satisfactory immigration status in accordance with 8 U.S.C. 1641(b).

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 42:43 (January 2016), amended LR 50:971 (July 2024), LR 51:

Family Impact Statement
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.

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

Poverty Impact Statement
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.

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

Small Business Analysis
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, 2025, to Tavares Walker, 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 Tavares Walker, 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.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Child Safety and Welfare
(LAC 28:CLXL.103, 301, 303, 501, 701, 705, 711, 901, 1103, 1305, 1503, 1507, 1709, 1711, 1713, 1719, 1727, 1805, 1901, 1903, 1919, and 2103) and (LAC 28:CLXV.103, 310, 503, and 507)

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
- The proposed rule change in response to Act 409 of the 2025 Regular Session, is anticipated to increase expenditures in the Louisiana Department of Education by \$877,792 beginning in FY 26. The Act, and accompanying rule change, requires all nonpublic pre-kindergarten programs to be licensed as early learning centers and apply by 1/01/26; prohibits a person whose name is recorded on the state central registry (SCR) on or after 8/01/18 from participating in the governance of certain child-related services and being hired by certain school boards, nonpublic schools, and school systems; requires certain school boards to dismiss certain school employees whose name is recorded on the SCR on or after 8/01/25; requires compliance with child safety and welfare minimum standards no later than 10/01/25; and requires LDOE to publish all child-related business violations on its website.
- Additional LDOE staff will be required to process the additional applications for licensure and ongoing monitoring and inspection of the increased number of early childhood centers located in nonpublic schools, estimated at eight authorized positions. These include six (6) Licensing Specialists I/II to conduct inspections and monitor an additional 254 nonpublic prekindergarten programs; one (1) Licensing Supervisor to train specialists, review inspection reports for accuracy, and conduct onsite quality monitoring; and one (1) Licensing Consultant to review initial, renewal, and changing licensing applications and conduct consultations regarding compliance with Louisiana early learning

center licensing regulations. The estimated cost for these positions, \$877,792, was appropriated in Act 1 of the 2025 Regular Legislative Session (p. 159, lines 8-13).

The requirement concerning the collection of information regarding completion of the DCFS mandated reporter training will require a system modification to the existing system. Due to the implementation timeline, LDOE will be able to request these builds through existing processes and contracts. No additional cost is expected. Production and dissemination of the required document regarding the minimum safety standards have been completed using existing resources.

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

There is potential effect on the revenue collections of state or local governmental units as a result of the proposed rule change. Administrative fees ranging from \$25 to \$250, depending on the size of the center, are collected with each application for initial licensure in accordance with R.S. 17:407.39.

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

Some early childhood programs in nonpublic schools may require updates to facilities in order to comply with mandated licensure. Additional classroom space and/or staff may also be needed to fulfill minimum standards and licensure requirements. The extent to which this will be required is indeterminable. There is also a cost of approximately \$100 associated with each Child Care Criminal Background Check determinations for employees and/or employers. The cost may vary depending on the fingerprinting location utilized. The rule also requires separate restrooms for students enrolled in prekindergarten programs or early learning centers constructed after 1/01/26, possibly resulting in additional expenditures for construction; however, this amount is indeterminable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is potential effect on competition and employment as a result of the proposed rule change. Additional staff will be required for some schools and centers to meet the ratio requirements. The additional requirements for local public and nonpublic schools regarding state central registry clearance could impact employment at these schools.

Beth Scioneaux
Deputy Superintendent for Management and Finance
1905#

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office