



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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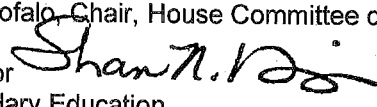
Thomas Roque
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July 12, 2021

MEMORANDUM

TO: Senator Patrick Page Cortez, Senate President
Representative Clay Schexnayder, Speaker of the House
Senator Cleo Fields, Chair, Senate Committee on Education
Representative Raymond E. Garofalo, Chair, House Committee on Education

FROM: Shan N. Davis, Executive Director 
Board of Elementary and Secondary Education

RE: Summary Report on Board of Elementary and Secondary Education Proposed Rulemaking

Pursuant to R.S. 49:968(D)(1)(b), the Board of Elementary and Secondary Education hereby submits to you this summary report and announces its plan to proceed with rulemaking by finalizing the June 20, 2021, Notice of Intent that was promulgated on pages 748-754 of the *Louisiana Register*.

The Board has received no public comments and has not conducted a hearing pursuant to R.S. 49:953(A)(2)(a).

The Board has made no change to the proposed Rule.

Subject to legislative oversight by either the House Committee on Education or Senate Committee on Education, the Board anticipates adopting the Notice of Intent as a final Rule in the September 20, 2021, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

Please contact Shannon Rawson at (225) 342-5841 if the Board may be of any assistance to you concerning this Rule.

SND:slr

Attachment (1)

- c: Shalyric Self, Secretary, Senate Committee on Education
Cheryl Serrett, Analyst, Senate Committee on Education
Elizabeth Borne, Legislative Analyst, House Committee on Education
Lisa Lovello, Legislative Analyst, House Committee on Education
Ryan Gremillion, Policy Director, Louisiana Department of Education
Shan N. Davis, Executive Director, BESE
Kevin Calbert, Communications Manager, BESE

Shan N. Davis
Executive Director

Cade Brumley
State Superintendent

Notices of Intent

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 137—Louisiana Early Learning
Center Licensing Regulations
(LAC 28: CLXI.103, 303, 701, 703, 709, 903, 1103,
1105, 1305, 1507, 1509, 1515, 1711, 1715, 1717,
1719, 1721, 1723, 1725, 1727, 1805, 1811, 1813,
1901, 1903, 1907, 1911, 1919 and 2105)

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. In accordance with Louisiana R.S. 17:407.40, the Board of Elementary and Secondary Education (BESE) shall conduct a comprehensive review of all standards, rules, and regulations for licenses every three years. As required, the Louisiana Department of Education (LDE) launched a workgroup comprised of providers and child advocates to review and provide input on updates to Bulletin 137—Louisiana Early Learning Center Licensing Regulations. Draft revisions of Bulletin 137 regarding early learning center licensing, child health and safety, and technical edits were endorsed by the Early Childhood Care and Education (ECCE) Advisory Council in January 2021.

Title 28 EDUCATION

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

Chapter 1. General Provisions

§103. Definitions

CBC—Repealed.

Child Day Care Center—in accordance with R.S. 17:407.33(3), any place or center operated by any institution, political subdivision, society, agency, corporation, person or persons, or any other group for the purpose of providing care, supervision, and guidance of seven or more children, not including those related to the caregiver, unaccompanied by parent or legal custodian, on a regular basis for at least 12 1/2 hours in a continuous 7-day week.

1. If a child day care center provides transportation or arranges for transportation to and from the center, either directly or by contract with third parties, all hours that a child is being transported shall be included in the calculation of the hours of operation.

2. A child day care center that remains open for more than 12 1/2 hours in a continuous 7-day week, and in which no individual child remains for more than 24 hours in one continuous stay shall be known as a full-time child day care center.

3. A child day care center that remains open after 9 p.m. shall meet the appropriate regulations established for nighttime care.

Criminal Background Check (CBC)—Repealed.

Key Orientation Training Module 1—a self-paced, online training provided by the department for new early learning staff that addresses early childhood professionalism, health and safety, licensing and hazards.

Key Orientation Training Module 2—a self-paced, online training provided by the department for new early learning staff that addresses child development, early learning and development standards (ELDS), and learning activities.

Key Orientation Training Module 3—a self-paced, online training provided by the department for new early learning staff that addresses teacher-child interaction, child guidance, and classroom management.

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

Right to Review (RTR)—Repealed.

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.

Transportation—the arranging or providing of transportation of children, whether center-provided or contract-provided, for any reason, including daily transportation, transportation for field trips, including parent-provided transportation for field trips, or transportation for any other activity that takes place away from the licensed center.

Written—includes hard-copies and electronic form.

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:

Chapter 3. Licensure

§303. Exemptions from Licensure

A. - C. ...

D. Nothing in this bulletin shall apply to children in programs licensed or operated by the Louisiana Department of Health (LDH) or the Department of Children and Family Services (DCFS), and the United States Department of Defense.

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:

Chapter 7. Licensing Process and Procedures

§701. Initial Application Process

A. - D.1.c. ...

2. If the application is complete, the department will notify the applicant and will request the Office of State Fire Marshall, city fire (if applicable), Louisiana Department of Health, and the academic approval section to make an inspection of the center, as per agency standards. However, the applicant is responsible for obtaining the required inspections and approvals.

D.2.a. - E.9. ...

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:

§703. Initial Inspection Process

A. An initial licensing inspection, including a measurement of the indoor and outdoor enclosed space, shall be conducted at the center to assure compliance with all licensing laws, regulations and minimum standards.

1. If the center in operation is in violation of the law, the application may be denied, and the department may pursue appropriate legal remedies.

A.2. - B.3. ...

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 41:623 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 44:248 (February 2018), effective March 1, 2018, LR 44:1860 (October 2018), LR 47:

§709. Validity of Licenses

A. - G. ...

H. All new construction or renovation of a center requires approval from the Office of State Fire Marshal, the Louisiana Department of Health and the LDE prior to occupying the new or renovated space.

I. A single license may be issued for a center with multiple buildings at the same location at the sole discretion of the LDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.39(C), and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015, amended LR 42:554 (April 2016), LR 44:1861 (October 2018), LR 47:

Chapter 9. Changes Requiring a New License

§903. Change of Ownership

A. - B. ...

C. Any of the following may constitute a change of ownership:

C.1. - C.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39 and R.S. 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 41:2105 (October 2015), LR 47:

Chapter 11. Operating Violations and Incidents; Fines; Appeals

§1103. Critical Incidents and Required Notifications

A. - A.2. ...

3. and a child left unsupervised for any amount of time;

4. use of prohibited behavior management as described in Section 1509.A.8.b. of this Part;

5. allegations or suspicion of child abuse or neglect by center staff;

6. an accident involving the transportation of children; or

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

B. ...

C. The LDE and other appropriate agencies, such as DCFS, LDH and the Office of State Fire Marshall, as applicable, shall be notified via email within 24 hours of the incident.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 44:1862 (October 2018), LR 47:

§1105. Identified Violations and Fines

A. - A.5. ...

B. Where such a violation does not result in the revocation of or refusal to renew a license, the LDE may issue a written warning/notice of violation of the standards listed in Subsection A of this Section that may include:

B.1. - B.2. ...

C. Second Violation or Deficiency. If the CAP is not timely implemented or if a second violation related to the same standard occurs within a 24-month period and does not result in the revocation of or refusal to renew a license, the department may issue a written notice of violation that:

C.1. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:626 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 44:249 (February 2018), effective March 1, 2018, LR 44:1862 (October 2018), LR 47:

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

§1305. Posting of Notice of Revocation or Refusal to Renew

A. The LDE 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.

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.

C. The center shall not permit the destruction or removal of a notice of revocation 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.

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:

Chapter 15. Minimum General Requirements and Standards

§1507. Daily Attendance Records

A. - E. ...

F. Records Retention. Daily attendance records shall be maintained on site for two years and shall be available for inspection, whether as hard copies or in electronic form upon request by the LDE.

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:

§1509. Policies

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

1. child abuse and neglect policy:

a. as mandated reporters, all staff and owners shall report any allegation or suspicion of abuse or neglect of a child to the Louisiana Child Protection Statewide Hotline (855) 4LA-KIDS [(855) 452-5437];

A.1.b. - A.12.d....

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:250 (February 2018), effective March 1, 2018, LR 44:1864 (October 2018), LR 47:

§1515. Child Records and Cumulative Files

A. - A.1.d. ...

e. any special concerns, including but not limited to allergies, chronic illnesses, and any special needs of the child, if applicable; and

f. any special dietary needs, restrictions or food allergies or intolerances, if applicable. See Paragraph 4;

A.2. - C. ...

D. Retention of Records. Records of children shall be maintained by a center for a minimum of two years from the date of termination of the child's enrollment at the center and shall be available for on-site inspection, whether as hard copies or in electronic form, upon request by the LDE.

E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:630 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 44:250 (February 2018), effective March 1, 2018, LR 47:

Chapter 17. Minimum Staffing Requirements and Standards

§1711. Child-to-Staff Minimum Ratios

A. ...

B. Minimum child to staff ratios shall be met at all times.

1. There shall be a minimum of two staff members present at an early learning center when more than four children are present.

B.2. - N.2.b. ...

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:

§1715. Staff Records and Personnel Files

A. - A.4. ...

B. Records Retention. Staff records and personnel files shall be maintained for a minimum of two years from the date of termination of employment and shall be available for on-site inspection, whether as hard copies or in electronic form, upon request by the LDE.

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 41:635 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:

§1717. Records for Independent Contractors and Student Trainees

A. - B.3. ...

C. Records Retention. Records for independent contractors and student trainees shall be maintained for a minimum of two years from the date the contractor or student was last present at the center and shall be available for on-site inspection, whether as hard copies or in electronic form, upon request by the LDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.40(A)(1), 17:407.40, and 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:635 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:

§1719. Orientation Training

A. Within seven calendar days of the first day present at the center, and prior to assuming sole responsibility for any children, each staff member shall receive center-specific orientation to the policies and practices of the center that at a minimum shall include information on the center:

1. child abuse identification and reporting, including phone numbers for mandatory reporting and suspected child abuse and neglect;

2. location of emergency exits and emergency preparedness plans;

3. handling of emergencies due to food/allergic reactions;

4. location of first-aid supplies;

5. list of children with allergies and special needs;

6. identification of critical staff including but not limited to staff trained in CPR and first aid and staff who can administer medicine;

7. child release policies and restrictions;

8. child-to-staff ratio policies;

9. daily schedules;

10. opening policy;

11. closing policy; and

12. transportation policy and vehicle inspection procedures.

B. Within seven calendar days of the first day present at the center, and prior to assuming sole responsibility for any children, each staff member shall complete the LDE Key Training Module 1 and the DCFS online Mandated Reporter

Training. Key Training Module 1 shall at a minimum include information on the following:

1. general emergency preparedness, including natural disasters and man-caused events;
2. professionalism;
3. health and safety, which includes: daily observations, supervision regulations, daily attendance, child to staff ratios, improper discipline, prohibited discipline, prevention of shaken baby syndrome, prevention of abusive head trauma and child maltreatment, food safety, choking risks recognition and reporting of child abuse and neglect;
4. administration of medication consistent with standards for parental consent;
5. prevention and response to emergencies due to food and allergic reactions;
6. appropriate precautions in transporting children, if applicable;
7. public health policies, prevention and control of infectious diseases, including immunization information;
8. handling and storage of hazardous materials and the appropriate disposal of bio-contaminants;
9. pediatric first aid and cardiopulmonary resuscitation (CPR);
10. prevention of sudden infant death syndrome and use of safe sleep practices;
11. outdoor play practices;
12. environmental safety; and
13. building and physical premises safety, including identification of and protection from hazards, bodies of water and vehicular traffic;
14. child release practices; and
15. critical incident practices and licensing regulations

C. Within 30 calendar days of the first day present at the center and prior to assuming sole responsibility for any children, each staff member shall complete the LDE Key Orientation Training Modules 2 and 3, that at a minimum shall include information on the following:

1. child development;
2. child guidance;
3. learning activities;
4. health and safety; and
5. early learning development standards.

D. All staff members responsible for transporting children shall receive additional orientation training in the following areas prior to assuming transportation duties:

1. transportation regulations, including the modeling of how to properly conduct a vehicle passenger check and demonstration by staff to director on how to conduct a vehicle passenger check;
2. proper use of child safety restraints required by state law;
3. proper loading, unloading, and tracking of children as required by state law;
4. location of first aid supplies; and
5. emergency procedures for the vehicle, including actions to be taken in the event of accidents or breakdowns.

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:

§1721. Continuing Education

A. - G. ...

H. Copies of certificates of completion or transcripts shall be maintained at the center and shall be available for on-site inspection, whether as hard copies or in electronic form, by the LDE upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 42:555 (April 2016), LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:

§1723. CPR and First Aid Certifications

A. - D. ...

E. Certification. A copy of the certification for each such staff member shall be on-site at all times and available for inspection, whether as hard copies or in electronic form, upon request by the department.

F.

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:

§1725. Medication Management Training

A. - C. ...

D. Documentation of current completion of such training shall be maintained by the center and shall be available for on-site inspection, whether as hard copies or in electronic form, upon request by the LDE.

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:

§1727. Child Neglect and Abuse Mandatory Reporter Training

A. All staff members shall annually complete the online child abuse and neglect Mandated Reporter Training provided by DCFS.

B. Documentation of completion of the course shall be maintained by the center for all staff and shall be available for on-site inspection, whether as hard copies or in electronic form, upon request by the LDE.

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 47:

Chapter 18. Child Care Criminal Background Checks (CCCBC)

§1805. Persons Ineligible for Child Care Purposes

A. - B.1. ...

C. A person may also be ineligible for child care purposes if upon the LDE request for information from another state, municipality or federal agency, the department receives from the state, municipality or federal agency written notice that the person's name is recorded on that state's registry or repository of child abuse and neglect as having a finding of child abuse or neglect or written notice that the person has been convicted of or plead guilty or nolo

contendere to any of the crimes listed in R.S. 15:587.1(C), or crimes of a jurisdiction other than Louisiana which would constitute a crime under the provisions cited in R.S. 15:587.1(C), or is otherwise ineligible for child care purposes.

D. - D.1....

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, 17:6, and 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:

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

A. - D.2.g. ...

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:253 (February 2018), effective March 1, 2018, LR 47:

§1813. Transitional Provisions for Newly Required CCCBC-Based Determinations of Eligibility

Repealed

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 44:254 (February 2018), effective March 1, 2018. Repealed, LR 47:

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

§1901. General Safety Requirements

A. Telephones and Emergency Numbers

1. A dedicated working phone, with a number dedicated to the center, that is capable of incoming and outgoing calls shall be readily available at the center at all times.

2. When a center has multiple buildings and does not have a dedicated a phone in each building where children are present, the center shall establish and follow written procedures for securing emergency help. The written procedures shall be posted in each building.

A.3. - R. ...

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:

§1903. Physical Environment

A. - C. ...

D. Indoor Space

1. A minimum of 35 square feet of usable indoor space shall be available per child until June 1, 2022.

a. Effective June 1, 2022, a minimum of 35 square feet of usable indoor space shall be available per child for children ages birth to 4. For children ages 4 and above, a

minimum of 25 square feet of usable indoor space shall be available per child.

b. If any child in a space is less than age 4, a minimum of 35 square feet of usable indoor space shall be available for every child in the space, regardless of age.

c. The space shall not include toilet facilities, hallways, lofts, storage spaces, stairways, lockers, offices, storage or food preparation areas, rooms used exclusively for dining or sleeping, or rooms used exclusively for the care of ill children.

D.2. - 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, LR 47:

§1907. Furnishings and Equipment

A. - C.1. ...

2. Individual sleeping accommodations shall be assigned to a child on a permanent basis and labeled, and the cots, cribs and mats shall be sanitized daily.

C.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 41:638 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 44:256 (February 2018), effective March 1, 2018, LR 47:

§1911. Care of Children

A. - D. ...

E. Daily Reports for Infants. Written or electronic reports that include the liquid intake, food intake, disposition, bowel movements and eating and sleeping patterns shall be given to the parents of infants on a daily basis. Reports shall be kept current throughout the day.

F. - K. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:638 (April 2015), effective July 1, 2015, LR 47:

§1919. Food Service and Nutrition

A. - B.1. ...

2. be prominently posted, written or electronically, by the first day of each week and remain posted throughout the week; and

3. have substitutions or additions posted, written or electronically, on or near the menu.

C. - J. ...

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

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

Chapter 21. Minimum Transportation Requirements and Standards

§2105. Field Trips

A. - D. ...

E. A written or electronic record for each field trip shall be maintained and shall include the following:

E.1. - E.5. ...

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, LR 47:

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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules 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 a 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 rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules 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 100 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? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, 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 the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), July 9, 2021, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. 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

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

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

There are no estimated costs or savings to state or local governmental units as a result of this proposed revision. The proposed revisions provide clarification and flexibility for employees of early learning centers.

The proposed revisions allow the Department of Education (LDE) to use discretion in determining changes of ownership and issuing notices of violations. They reduce the record retention period from three years after the termination of enrollment to two years. They allow a single staff member to care for up to four children, rather than one. They also reduce the minimum required usable indoor space from 35 square feet per child to 25 square feet if every child in the space is age 4 or above.

The proposed revisions require employees to complete online training modules provided by LDE, as well as the Mandated Reporter training course provided by the Department of Children and Family Services (DCFS).

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

The proposed policy revisions will have no effect on revenue collections of state or local governmental units.

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

There may be an increased workload for child care staff to take the required online orientation training provided by LDE as well as the mandated reporter training provided by DCFS. While the training is available at no cost, the three LDE training modules take approximately one hour each to complete. The extent to which these modules will take longer to complete than any center-provided training they may replace is indeterminable.

There may be cost savings to early child care centers associated with the revisions to staffing requirements and ratios. Current policy requires there be a minimum of two staff members present at an early learning center when more than

one child is present. The proposed revision provides that a minimum of two staff members be present at an early learning center when more than four children are present. This revision will result in the need for fewer staff members in early learning centers, which will result in cost savings to early learning centers. The revisions also reduce the indoor useable space requirements from 35 square feet to 25 square feet per child if every child in the space is age 4 or above. However, the extent of such impacts is indeterminable at this time.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Beth Scioneaux
Deputy Superintendent
2106#046

Alan Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 139—Louisiana Child Care and Development Fund Programs—CCAP Household Eligibility (LAC 28:CLXV.103, 309, 311 and 313)

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 include updates in response to recent federal monitoring findings, early learning center requirements, and additional clarification for providers. Draft revisions of Bulletin 139 were endorsed by the Early Childhood Care and Education (ECOE) Advisory Council in January 2021.

Title 28 EDUCATION

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

Chapter 1. Child Care Assistance Program

§103. Definitions

Child Care Health Consultant—qualified health and safety professional approved by LDH to provide training, consultation, and technical assistance to in- and out-of-home child care facilities and early childhood education staff (and parents) on health and safety topics.

Group Size—the number of children assigned to a teacher or team of teachers occupying an individual classroom or well-defined space within a large room.

Key Orientation Training Module 1—a self-paced, online training provided by the LDE for new providers and staff that addresses early childhood professionalism, health and safety, licensing and hazards.

Key Orientation Training Module 2—a self-paced, online training provided by the LDE for new providers and staff that addresses child development, early learning and development standards (ELDS), and learning activities.

Key Orientation Training Module 3—a self-paced, online training provided by the LDE for new providers and staff

that addresses teacher-child interaction, child guidance, and classroom management.

Non-Vehicular Excursions—any activity that takes place away from the home that is within a safe, reasonable, walking distance from the home, and that does not require transportation in a motor vehicle and does not include walking with children to and from schools.

Supervision—the function of observing, overseeing, and guiding a child or group of children, that includes awareness of and responsibility for the ongoing activity of each child and being near enough to intervene if needed.

Unexplained Absence—an absence for which the head of household has not provided verbal or written notification to the provider or the department about the absence.

Water Activity—a water-related activity in which children are in, on, near and accessible to, or immersed in, a body of water, including but not limited to a swimming pool, wading pool, water park, river, lake, or beach.

Water Play Activity—water-related activity in which there is no standing water, including but not limited to fountains, sprinklers, water slip-and-slides and water tables.

Written—includes hard-copy and electronic form.

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:

Chapter 3. CCAP Provider Certification

§309. Specific Certification and Registration

Requirements for Family Child Care Providers

A. - A.9. ...

10. Medication Administration Training. Provide documentation of current medication administration training with a child care health consultant approved by LDH.

11. Pre-Service Orientation Training. Complete four hours of pre-service orientation training that includes the LDE Key Orientation Training Modules 1, 2 and 3 and DCFS' online Mandate Reporter training prior to initial certification, maintain documentation verifying completion of the training, and submit the documentation with the application for certification to the LDE.

a. The pre-service orientation training shall at a minimum include information on the following:

i. general emergency preparedness, including natural disasters and man-caused disasters;

ii. professionalism;

iii. health and safety, including daily observations, supervision regulations, daily attendance, child-to-staff ratios, improper discipline, prohibited discipline, prevention of shaken baby syndrome, prevention of abusive head trauma and child maltreatment, food safety, choking risks, and recognition and reporting of child abuse and neglect;

iv. administration of medication consistent with standards for parental consent;

v. prevention and response to emergencies due to food and allergic reactions;