



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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December 10, 2025

MEMORANDUM

TO: Senator Cameron Henry, Senate President
Representative Phillip DeVillier, Speaker of the House
Senator Rick Edmonds, Chair, Senate Committee on Education
Representative Laurie Schlegel, Chair, House Committee on Education

FROM: Tavares A. Walker, 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 September 20, 2025, Notice of Intent that was promulgated on pages 1376-1382 of the *Louisiana Register*.

On October 9, 2025, the Board received one (1) written requests for a public hearing.

In response to these requests, a public hearing was conducted on October 30, 2025 pursuant to R.S. 49:953(A)(2)(a).

The Louisiana State Board of Elementary and Secondary Education met in regular session on December 10, 2025, and took the following action:

On motion of Mr. Appel, seconded by Mr. Harris, the Board:

1. received the SPCAR regarding revisions to *Bulletin 137--Louisiana Early Learning Center Licensing Regulations* and *Bulletin 139--Louisiana Child Care and Development Fund Programs*;
2. authorized the BESE staff to submit the summary report to the Legislative Oversight Committees; and
3. directed the BESE staff to proceed with the final adoption of the September 2025 Notice of Intent regarding revisions to *Bulletin 137--Louisiana Early Learning Center Licensing Regulations* and *Bulletin 139--Louisiana Child Care and Development Fund Programs*, with the submission of the final Rule in the January 2026 edition of the *Louisiana Register*.

Tavares A. Walker
Executive Director

Dr. Cade Brumley
State Superintendent

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 will proceed with the adoption of the Notice of Intent as a final Rule in the January 20, 2026, issue of the *Louisiana Register*.

The following documents are attached:

1. A copy of the Notice of Intent;
2. Requests for public hearing;
3. Public comment cards from public hearing;
4. Unofficial minutes of the public hearing; and
5. LDOE Summary of Public Comments and Agency Response.

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

TAW:med

Attachments (5)

- c: Caroline Tyler, Secretary, Senate Committee on Education
Elizabeth Borne, Legislative Analyst, House Committee on Education
Lisa Lovello, Legislative Analyst, House Committee on Education
Ashley Townsend, Policy Director, Louisiana Department of Education
Tavares A. Walker, Executive Director, BESE
Regine Williams, Communications Manager, BESE

ATTACHMENT #1

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: Bulletin 1508—Pupil Appraisal
Handbook—Screenings and Evaluations of Students for
Special Education and Related Services**

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change provides comprehensive updates to the evaluation of students with suspected disabilities. The rule change includes updates to the following: the definition of Response to Intervention (RTI); addition of licensed specialists in school psychology and licensed psychologists with a school specialty to serve on pupil appraisal teams; autism criteria aligned to current language in diagnostic and statistical manuals; evaluation considerations in alignment with *Bulletin 1903—Louisiana Handbook for Students with Dyslexia*; school health and school nurse services; language regarding prescriptions from a physician licensed in any state; and technical edits.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

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

There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change. The amendments provide clarity and implement standard procedures for screening and evaluation of students with known or suspected exceptionalities.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

School districts may experience improved flexibility in hiring individuals to serve on pupil appraisal teams due to the expanded criteria for certain roles on the teams.

Beth Scioneaux
Deputy Superintendent
2509#069

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Child Safety and Welfare
(LAC 28:CLXI.Chapters 1-21;
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, amended 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, amended LR 47:1275 (September 2021), LR 51:1805

§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, amended 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, amended 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.I, and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:1278 (September 2021), amended 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.1. ...

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.

A.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.

D.1.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. ...

D.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.

D.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.

B.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, amended 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;

A.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), amended 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 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 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.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Child Safety and Welfare**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT 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 OR NONGOVERNMENTAL 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
2509#066

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Educator Preparation, Evaluation, and Credentials
(LAC 28:XLV.Chapters 1-7; LAC 28:CXXXI.507 and 1505; LAC 28:CXLVI.Chapter 3; and LAC 28:CXLVII.325)

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:XLV in *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs*, LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, LAC 28:CXLVI in *Bulletin 146—Competencies and Standards for Teachers and Educational Leaders*, and LAC 28:CXLVII in *Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel*. During the 2025 Regular Legislative Session, laws were enacted that require revisions to Board of Elementary and Secondary Education (BESE) policy to include:

- Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel
 - Act 270. VAM and student attendance
- Bulletin 146—Competencies and Standards for Teacher and Educational Leaders
 - Act 353. Foundational numeracy
 - Act 479. Crisis intervention
- Bulletin 746—Louisiana Standards for State Certification of School Personnel
 - Act 268. Computer Science
 - Act 353. Foundational numeracy
 - Act 479. Crisis intervention
- Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs
 - Act 268. Computer Science
 - Act 353. Foundational numeracy
 - Act 479. Crisis intervention

Further revisions adopt language, general educator, and English learner competencies, certification requirements, a new educator leader pathway, procedures for educator preparation program closure, program quality clarification, policy language alignment, and technical edits.

ATTACHMENT #2



Child Care Association of Louisiana

HAND-DELIVERED

October 8, 2025

Mr. Tavares Walker, Executive Director
Board of Elementary and Secondary Education
P.O. Box 94064
Baton Rouge, LA 70804

Dear Mr. Walker,

On behalf of the Child Care Association of Louisiana (CCAL), I would like to request a public hearing of BESE on the following proposed rule contained in the September 20th Notice of Intent under BESE Child Welfare Bulletin 137:

§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.

Our primary concern is that this proposed regulation is subject to wide interpretation by LDOE licensing inspectors. The phrases "secured point of entry" and "to provide for supervision of ingress and egress" need greater clarification.

Our number one priority is protecting the health, welfare and safety of young children placed in our care. The Board of Directors of the Child Care Association of Louisiana is committed to working collaboratively with BESE members and LDOE staff towards this endeavor.

Respectfully Submitted,

A handwritten signature in black ink that reads "Cindy Bishop".

Cindy Bishop, Executive Director
Child Care Association of Louisiana
P.O. Box 80053
Baton Rouge, LA 70898-0053
(225) 933 5435

RECEIVED

OCT 09 2025

Board of Elementary
and Secondary Education



Child Care Association of Louisiana

HAND-DELIVERED

October 8, 2025

Mr. Tavares Walker, Executive Director
Board of Elementary and Secondary Education
P.O. Box 94064
Baton Rouge, LA 70804

RECEIVED
OCT 09 2025
Board of Elementary
and Secondary Education

Dear Mr. Walker,

On behalf of the Child Care Association of Louisiana (CCAL), I am submitting the following public comments on the BESE Notice of Intent that was published in the September 20th Louisiana Register. The NOI proposes to amend Bulletin 137 Early Learning Center Licensing Regulations.

The Child Care Association of Louisiana is cognizant of the fact that this Notice of Intent contains some proposed regulations that relate to Act 409.

BESE is required to promulgate administrative rules that correlate to the licensing of certain nonpublic schools with PreK programs, pursuant to Act 409. CCAL is supportive of those proposed administrative rules. We realize that LDOE's timeline for the administrative rulemaking was anticipated to be December 20th.

CCAL has some concerns about the following proposed regulation contained in the BESE Child Welfare Bulletin 137 Notice of Intent that was published in the September 20th edition of the Louisiana Register.

§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.

Our primary concern is that this proposed regulation is subject to wide interpretation by LDOE licensing inspectors. The phrases "secured point of

entry" and "to provide for supervision of ingress and egress" need greater clarification.

While the Child Care Association of Louisiana understands that it is the desire of the Department of Education to put in place a regulation to ensure that random people do not walk into a licensed childcare space, the verbiage above is problematic.

Although it has been explained to CCAL that "a secured point of entry" does not necessarily mean that a lock must be placed on the ingress, (entrance to the childcare space), the word "secured" implies that a lock may be required.

The Louisiana State Fire Marshal's Office is responsible for governing egress in accordance with the Americans with Disabilities Act. The proposed regulation may conflict with the State Fire Code.

It is our understanding that this provision was proposed due to a particular situation that occurred in Sulphur, Louisiana. Sulphur Police apparently arrested a person accused of trespassing at a preschool near West Calcasieu Cameron Hospital. When the person was asked to leave the hospital property, he walked into a preschool on the hospital's property. The person was removed by security and arrested for trespassing.

It seems clear that it is impossible for any regulatory agency to devise a regulation to address every possible scenario that might arise, such as the case of a trespasser (unauthorized person) who walked into a child care center.

When considering the proposed rule, CCAL has considered how this rule might protect the safety of children, and we've considered whether our members throughout the state of Louisiana could comply with the proposed regulation.

Many of our licensed child care centers are different depending upon whether the child care space is leased or owned by the child care business owner. CCAL would like to propose a solution that would allow each licensed facility to be deliberative in ensuring the safety of the children in their care, relative to random people coming into a licensed childcare "space".

The Child Care Association of Louisiana would like to recommend to BESE / LDOE an alternate solution. Instead of requiring child care centers to "supervise the ingress and egress" of licensed childcare space, a more effective solution would be to require childcare business owners to include in

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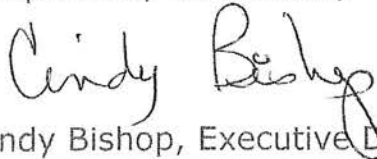
OCT 09 2025

Board of Elementary
and Secondary Education

their individualized Emergency Preparedness Plan specific provisions that they will adhere to with regard to providing adequate safeguards to protect against "random persons" walking into the presence of children in a licensed space.

Our number one priority is to protect the health, welfare and safety of the children placed in our care. The leadership of the Child Care Association of Louisiana is committed to working collaboratively with BESE members and LDOE staff towards this endeavor.

Respectfully Submitted,



Cindy Bishop, Executive Director
Child Care Association of Louisiana
P.O. Box 80053
Baton Rouge, LA 70898-0053
(225) 933 5435

Cindy.bishop@checkmate-strategies.com

RECEIVED
OCT 09 2025
Board of Elementary
and Secondary Education

ATTACHMENT #3

PUBLIC COMMENT CARD
STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

DATE: 09/30/2025
 NAME: Marilyn Babson
 REPRESENTING: Volisiana Policy Institute
 MEETING: Public Hearing Bulletin 137 2025

AGENDA ITEM NUMBER: 2
 (Example: 4.2.)

CHECK ONE BOX IN THIS COLUMN

SUPPORT RECOMMENDATION WISH TO SPEAK

OPPOSE RECOMMENDATION DO NOT WISH TO SPEAK

INFORMATION ONLY/OTHER

Public comments are limited to no more than three (3) minutes per individual and five (5) minutes per designated spokesperson of a group/organization. The chair may increase or decrease the time allotted to speakers, within time constraints.

PUBLIC COMMENT CARD
STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

DATE: 10/30/25
 NAME: Cindy Bishop
 REPRESENTING: Child Care Assn of LA
 MEETING: BCESE

AGENDA ITEM NUMBER: 1
 (Example: 4.2.)

CHECK ONE BOX IN THIS COLUMN

SUPPORT RECOMMENDATION WISH TO SPEAK

OPPOSE RECOMMENDATION DO NOT WISH TO SPEAK

INFORMATION ONLY/OTHER

Public comments are limited to no more than three (3) minutes per individual and five (5) minutes per designated spokesperson of a group/organization. The chair may increase or decrease the time allotted to speakers, within time constraints.

PUBLIC COMMENT CARD
STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

DATE: 10/30/25
 NAME: Tara Ernsley
 REPRESENTING: Child Care Association
 MEETING: BCESE

AGENDA ITEM NUMBER: 1
 (Example: 4.2.)

CHECK ONE BOX IN THIS COLUMN

SUPPORT RECOMMENDATION WISH TO SPEAK

OPPOSE RECOMMENDATION DO NOT WISH TO SPEAK

INFORMATION ONLY/OTHER

Public comments are limited to no more than three (3) minutes per individual and five (5) minutes per designated spokesperson of a group/organization. The chair may increase or decrease the time allotted to speakers, within time constraints.

PUBLIC COMMENT CARD
STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

DATE: 10/30/25
 NAME: MARCIA GASPARD
 REPRESENTING: For Providers By Providers
 MEETING: Public Hearing Agend

AGENDA ITEM NUMBER: 1
 (Example: 4.2.)

CHECK ONE BOX IN THIS COLUMN

SUPPORT RECOMMENDATION WISH TO SPEAK

OPPOSE RECOMMENDATION DO NOT WISH TO SPEAK

INFORMATION ONLY/OTHER

Public comments are limited to no more than three (3) minutes per individual and five (5) minutes per designated spokesperson of a group/organization. The chair may increase or decrease the time allotted to speakers, within time constraints.

PUBLIC COMMENT CARD
STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

DATE: 10/30/25
 NAME: Marilyn Babson
 REPRESENTING: Volisiana Policy Institute
 MEETING: Public Hearing Bulletin 137 2025

AGENDA ITEM NUMBER: 2
 (Example: 4.2.)

CHECK ONE BOX IN THIS COLUMN

SUPPORT RECOMMENDATION WISH TO SPEAK

OPPOSE RECOMMENDATION DO NOT WISH TO SPEAK

INFORMATION ONLY/OTHER

Public comments are limited to no more than three (3) minutes per individual and five (5) minutes per designated spokesperson of a group/organization. The chair may increase or decrease the time allotted to speakers, within time constraints.

PUBLIC COMMENT CARD
STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

DATE: 10/30/25
 NAME: MARCIA GASPARD
 REPRESENTING: For Providers By Providers
 MEETING: Public Hearing Agend

AGENDA ITEM NUMBER: 1
 (Example: 4.2.)

CHECK ONE BOX IN THIS COLUMN

SUPPORT RECOMMENDATION WISH TO SPEAK

OPPOSE RECOMMENDATION DO NOT WISH TO SPEAK

INFORMATION ONLY/OTHER

Public comments are limited to no more than three (3) minutes per individual and five (5) minutes per designated spokesperson of a group/organization. The chair may increase or decrease the time allotted to speakers, within time constraints.

PUBLIC COMMENT CARD
STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

DATE: 10/30/25
NAME: Natalie George (PLEASE PRINT)
REPRESENTING: For Providers By Ponders (ORGANIZATION/AGENCY/SELF)
MEETING: Public Hearing 137
AGENDA ITEM NUMBER: 1 (Example: 4.2.)

CHECK ONE BOX IN THIS COLUMN
 SUPPORT RECOMMENDATION
 OPPOSE RECOMMENDATION
 INFORMATION ONLY/OTHER

Public comments are limited to no more than three (3) minutes per individual and five (5) minutes per designated spokesperson of a group/organization. The chair may increase or decrease the time allotted to speakers, within time constraints.

PUBLIC COMMENT CARD
STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

DATE: 10/30/2025
NAME: Taffe Miller (PLEASE PRINT)
REPRESENTING: Child Care Assn of LA (ORGANIZATION/AGENCY/SELF)
MEETING: BESE (Example: Educator Effectiveness Committee)
AGENDA ITEM NUMBER: 1 (Example: 4.2.)

CHECK ONE BOX IN THIS COLUMN
 SUPPORT RECOMMENDATION
 OPPOSE RECOMMENDATION
 INFORMATION ONLY/OTHER

Public comments are limited to no more than three (3) minutes per individual and five (5) minutes per designated spokesperson of a group/organization. The chair may increase or decrease the time allotted to speakers, within time constraints.

PUBLIC COMMENT CARD
STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

DATE: 10/30
NAME: Tessa Holloway (PLEASE PRINT)
REPRESENTING: Kidz Karusel (ORGANIZATION/AGENCY/SELF)
MEETING: Bvll 137
AGENDA ITEM NUMBER: _____ (Example: 4.2.)

CHECK ONE BOX IN THIS COLUMN
 SUPPORT RECOMMENDATION
 OPPOSE RECOMMENDATION
 INFORMATION ONLY/OTHER

Public comments are limited to no more than three (3) minutes per individual and five (5) minutes per designated spokesperson of a group/organization. The chair may increase or decrease the time allotted to speakers, within time constraints.

PUBLIC COMMENT CARD
STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

DATE: 10/30/25
NAME: Brianna Nelson (PLEASE PRINT)
REPRESENTING: Archdiocese of New Orleans (ORGANIZATION/AGENCY/SELF)
MEETING: Public Hearing - B137 (Example: Educator Effectiveness Committee)
AGENDA ITEM NUMBER: _____ (Example: 4.2.)

CHECK ONE BOX IN THIS COLUMN
 SUPPORT RECOMMENDATION
 OPPOSE RECOMMENDATION
 INFORMATION ONLY/OTHER

Public comments are limited to no more than three (3) minutes per individual and five (5) minutes per designated spokesperson of a group/organization. The chair may increase or decrease the time allotted to speakers, within time constraints.

PUBLIC COMMENT CARD
 STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

DATE: 10/30/2015

NAME: Shirval Pointer

REPRESENTING: Tree Care Association of Louisiana
(PLEASE PRINT) (ORGANIZATION/AGENCY/SELF)

MEETING: LDDE Hearing

AGENDA ITEM NUMBER: Public Item 137
(Example: 4.2.)

CHECK ONE BOX IN THIS COLUMN

SUPPORT RECOMMENDATION WISH TO SPEAK

OPPOSE RECOMMENDATION DO NOT WISH TO SPEAK

INFORMATION ONLY/OTHER

Public comments are limited to no more than three (3) minutes per individual and five (5) minutes per designated spokesperson of a group/organization. The chair may increase or decrease the time allotted to speakers, within time constraints.

PUBLIC COMMENT CARD
 STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

DATE: 10/30/2015

NAME: Jonathan Perry

REPRESENTING: Child Care Association of LA
(PLEASE PRINT) (ORGANIZATION/AGENCY/SELF)

MEETING: BESSE

AGENDA ITEM NUMBER: 1
(Example: 4.2.)

CHECK ONE BOX IN THIS COLUMN

SUPPORT RECOMMENDATION WISH TO SPEAK

OPPOSE RECOMMENDATION DO NOT WISH TO SPEAK

INFORMATION ONLY/OTHER

Public comments are limited to no more than three (3) minutes per individual and five (5) minutes per designated spokesperson of a group/organization. The chair may increase or decrease the time allotted to speakers, within time constraints.

PUBLIC COMMENT CARD
 STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

DATE: 10/30/2015

NAME: Jennifer Stevenson

REPRESENTING: Child Care Association of Louisiana
(PLEASE PRINT) (ORGANIZATION/AGENCY/SELF)

MEETING: Public Hearing

AGENDA ITEM NUMBER: 1
(Example: 4.2.)

CHECK ONE BOX IN THIS COLUMN

SUPPORT RECOMMENDATION WISH TO SPEAK

OPPOSE RECOMMENDATION DO NOT WISH TO SPEAK

INFORMATION ONLY/OTHER

Public comments are limited to no more than three (3) minutes per individual and five (5) minutes per designated spokesperson of a group/organization. The chair may increase or decrease the time allotted to speakers, within time constraints.

PUBLIC COMMENT CARD
 STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

DATE: 10/30/2015

NAME: Catalina Robinson

REPRESENTING: THE LEARNING TREE ACADEMY
(PLEASE PRINT) (ORGANIZATION/AGENCY/SELF)

MEETING: LA Child Care Development Fund

AGENDA ITEM NUMBER: Section 705 C
(Example: 4.2.)

CHECK ONE BOX IN THIS COLUMN

SUPPORT RECOMMENDATION WISH TO SPEAK

OPPOSE RECOMMENDATION DO NOT WISH TO SPEAK

INFORMATION ONLY/OTHER

Public comments are limited to no more than three (3) minutes per individual and five (5) minutes per designated spokesperson of a group/organization. The chair may increase or decrease the time allotted to speakers, within time constraints.

ATTACHMENT #4

Louisiana State Board of Elementary and Secondary Education
PUBLIC HEARING
Thursday, October 30, 2025
9:00 a.m.
Minutes

The public hearing on the Bulletin 137, *Louisiana Early Learning Center Licensing Regulations* (LAC 28:CLXI.Chapters 1-21) and Bulletin 139, *Louisiana Child Care and Development Fund Programs* (LAC 28:CLXV.103, 310, 503, and 507) was held on Thursday, October 30, 2025, in the Louisiana Purchase Room, located in the Claiborne Building in Baton Rouge, Louisiana. The meeting was called to order at 9:05 a.m. by Mr. Tavares Walker, BESE Executive Director.

Representing the Board staff were Board of Elementary and Secondary Education (BESE) Executive Director Tavares Walker and Ms. Regine Williams, who recorded the minutes.

Mr. Walker advised the audience that this public hearing was being held in order to receive public recommendations and comments on the proposed rulemaking concerning revisions of Bulletin 137 and 139. A report of comments will be composed for BESE's consideration. BESE will consider recommendations and comments received today and the proposed rulemaking concerning revisions of Bulletin 137 and 139 at its December 2025 meeting.

Mr. Walker asked persons interested in addressing the proposed rulemaking to fill out a comment card and stated that those wishing to speak could only make recommendations and comments regarding the proposed rulemaking concerning revisions of Bulletins 137 and 139. No other comments or recommendations will be received at this time.

Public comments were received from Ms. Tessa Holloway, Kidz Karousel; Ms. Mattilyn Batson, Louisiana Policy Institute for Children; Ms. Calandra Robinson, The Learning Tree Academy; Ms. Sherrel Pointer, Treasures from Heaven Childcare; Ms. Marcia Gaspard and Ms. Natasha George, For Providers By Providers; Ms. Cindy Bishop, Ms. Tatta Miller, Ms. Tara Emery, Mr. Jonathan Pearce, and Ms. Jennifer Stevenson, Child Care Association of Louisiana; and Ms. Brianna Nelson, Archdiocese of New Orleans.

With no further business to come before the Public Hearing, the meeting was adjourned at 9:42 a.m.

ATTACHMENT #5

Summary of Public Comments and Agency Response (SPCAR)

Regarding Proposed Revisions to *Bulletin 137–Louisiana Early Learning Center Licensing Regulations* and *Bulletin 139–Louisiana Child Care and Development Fund Programs*

Background

In response to Act 409 and Act 351 of the 2025 Regular Legislative Session, the Louisiana Department of Education (LDOE)--Office of Early Childhood Care and Education engaged numerous stakeholders and advisory bodies to develop and implement policy revisions regarding child safety and welfare and regarding use of public benefits policies. Joining with the legislature's focus on child safety and welfare and in response to a recent security breach, the LDOE also proposed several additional revisions. Further revisions provided language alignment and clarification as well as technical edits.

The proposed revisions were presented to the Superintendents' Advisory Council, Nonpublic Schools Council, and Early Childhood Care and Education Advisory Council at the July 2025 meetings. Feedback received from stakeholders, professional organizations, and the advisory groups was incorporated into policy revisions.

BESE approved the proposed revisions, and the Notice of Intent (NOI) was published in the September 20, 2025, issue of the *Louisiana Register*.

Summary of Public Comments Received

One written public comment was received prior to the October 10, 2025, deadline. The comment author suggests that the phrases "secured point of entry" and "to provide for supervision of ingress and egress" need greater clarification. The commenter also conveys concern that the "proposed regulation is subject to wide interpretation by LDOE licensing inspectors" and the implication that "secured" is equivalent to requiring that the entrance is locked, which the commenter notes "may conflict with the State Fire Code." Further, the commenter states that "this proposed regulation is not applied to our public schools" and "It is inequitable to impose a regulation on licensed child care spaces that does not also apply to public schools."

A public hearing was held on October 30, 2025, in response to the public comment and hearing request. Twelve individuals provided public comment at the public hearing. Six comments were recorded in support of the proposed revisions, five comments were recorded in opposition to the proposed revisions, and one commenter offered information only.

Summary of Public Comments in Support of the Proposed Policy

Safeguarding Children and Staff

- Commenters expressed an expectation that children be kept safe in the facility at all times. Secured entry is about protecting children and is one of the most practical ways to ensure protection. The policy language makes everyone liable for watching what happens to children entering and exiting the center. Secured entry is one of the simplest ways to keep children and staff safe and is an essential tool in threat prevention.

Responsible and Proactive Operations

- Commenters pointed out that secured entries are a basic, common-sense measure that reassures families. Secure entry is about being intentional regarding who gets to enter a center and has access to children and staff. Further, commenters noted that safety should be built into daily operations, not just into a center crisis plan. Commenters noted that secured entry is a proactive rather than reactive approach to prevent intruders from having access to children and staff and is a reasonable and necessary part of protecting children in daily operations.

Site-Specific Implementation

- Commenters acknowledged that the proposed revisions provide centers the ability to implement the secured entry policy in a manner that allows centers to choose the security measures that best fit their specific sites and budget, noting that the proposed revision as written allows centers flexibility in how they meet the requirement. The use of a range of possible security features such as biometric scanners, cameras, door locking systems, divider glass, and two-way communication devices strikes a balance between safety and flexibility. While additional funding to upgrade to even more sophisticated security measures is needed, the policy as written does not require any specific degree of sophistication.

Summary of Public Comments in Opposition to the Proposed Policy

Interpretation of Policy Language

- Commenters expressed concern that broad language in the proposed revision will lead to various interpretations by licensing specialists and uneven application that could result in deficiencies. A commenter noted that deficiencies could increase insurance premiums and suggested that the policy is a knee-jerk reaction to an isolated incident. Further, one commenter noted that a clearer definition of secured point of entry and of supervised ingress and egress is requested to assure the policy for licensing does not conflict with state fire code. Finally, a commenter noted that reasonable site-specific precautions should be enough, and regulations should give the flexibility to use cost effective and site specific solutions to maintain safety.

Unfunded Mandate

- Commenters argued that the implementation of a policy regarding secured access would be an unfunded mandate that could require costly structural changes to centers that do not already have these measures in place. Commenters noted that lease provisions may deny or prohibit structural changes to buildings that the center operators do not own and raised concern about provider stability if forced to comply with the mandate. A commenter noted that dedicated funding is needed to upgrade security and access points.

Emergency Planning Alternative

- Commenters proposed that instead of requiring a secured point of entry, a plan for measures for secured access should be required as part of the emergency plan submitted to and approved by LDOE. Commenters proposed that the emergency plans are individually developed and tailored to individual sites. Commenters also noted that strangers arriving on site each day may include new parents, job applicants, and information seekers whose intentions are unknown until access is granted and stated that it is not possible to create a regulation to address every emergency that happens in the world of child care.

Summary of Public Comments for Information Only

Child Care Centers on School Sites

- One commenter agreed that safety is paramount but asked that additional consideration be given to centers attached to K-12 schools. The commenter noted that facility setup differs in centers attached to schools and that active, substantial safety measures to protect children are implemented to incorporate the variety of physical campus arrangements. The commenter requested that allowances be made in order for the continued provision of high-quality early childhood care at school-based centers.

Agency Response

Interpretation of Policy Language

In response to the concern expressed by the written public comment submitted on October 8, 2025, the LDOE offered clarification through one-on-one communication with individual stakeholders and stakeholder groups. Furthermore, the LDOE will provide more widespread clarification of already identified ways that providers can ensure they meet the proposed child safety regulation, through statewide provider webinars, newsletters, and email blasts, once the proposed revisions become Final Rule. This guidance could also include the requested definitions, including clarification that “egress” refers to exiting a place and that “ingress” refers to entering a place.

Scope and Nature of Policy Revisions

The LDOE noted at the July 17, 2025, Early Childhood Care and Education Advisory Council meeting that some revisions to *Bulletin 137* were proposed to align with the legislature’s focus on child safety and welfare. Specifically, LDOE staff noted, immediately prior to beginning to outline and discuss the proposed *Bulletin 137* revisions, the following: “Most of the proposed revisions have to do with implementing the Act...there are in addition some proposed revisions that, just as we do throughout the year when we open bulletin—if we are seeing things that concern us in the field, where we feel like the field could use some clarification, or where children might be at risk—there are a few other items we also added to the proposed revisions.” Two commenters who spoke in opposition of the proposed revisions were present at that Advisory Council meeting and offered specific feedback to the proposed revision at that time, which the LDOE accepted, to revise “secured single point of entry” to “secured point of entry.”

This update to the proposed bulletin revision (removing the word “single”) was in direct response to the commenters’ concern that language requiring “single point of entry” could result in centers being required to implement construction to ensure that sites only had a “single” point of entry. Commenters who spoke in opposition of the proposed revision received via e-mail, directly from LDOE staff, a copy of the proposed, updated revisions that were brought before BESE on August 19, 2025, demonstrating the updated proposed bulletin language, that removed the word “single” in response to their suggestion.

Several of those commenters were present at that BESE subcommittee meeting on August 19 but did not offer public comment at that time.

These additional items were proposed in response to a recent security breach and due to both LDOE observation and stakeholder feedback that many providers statewide already have the necessary security provisions in place that would meet this regulation.

Concerns Regarding Unfunded Mandate and Fire Code Compliance

The requirement for secured point of entry is compatible with State of Louisiana Uniform Construction Code, as it specifies supervised ingress and egress. The code prohibits secured egress during periods that the building is open to the general public but does not prohibit supervised ingress or egress. Some examples of secured points of entry already in place include locking a door or supervising an unlocked door to prohibit unsupervised ingress (entry) into a facility. If a door is locked to prohibit unsupervised ingress, building inhabitants must still be able to leave the building in case of fire. Implementation of entry security will vary by location and building structure, but many centers have already enacted these measures. These secure point of entry provisions already in place have been proven to successfully meet Office of the State Fire Marshal (OSFM) requirements, as those sites continue to be recommended for licensing by the OSFM. Moreover, the flexibility deliberately provided to centers through the LDOE's proposed policy language allows for the implementation of cost-effective, site-specific measures determined by and applicable to the particular needs and situation of each facility.

Emergency Planning Alternative

A commenter in opposition to the proposed revisions noted that strangers are present at child care centers each day, which the LDOE believes suggests an even greater need for secure access, so that strangers cannot easily access young children.

If the proposed bulletin revisions are submitted as Final Rule in the December issue of the *Louisiana Register*, the LDOE will provide extensive training to licensing staff, to ensure that providers will not receive unwarranted citations for any minimal delayed access to the facility that may be experienced by licensing inspectors, due to center staff needing time to reach the secured point of entry of the center and grant entry to the licensing inspector. Moreover, *Bulletin 137* provides an additional layer of protection for providers, via an appeals process for any deficiencies cited that providers would argue are unwarranted.

LDOE Recommendation

The LDOE agrees with the petitioner and the supporters heard at the public hearing that child health, safety, and welfare is our primary priority and that safety should be built into daily operations rather than just a center emergency plan, and the LDOE believes that protecting access to children and facilities is a critical step to ensure that priority is met. Restricting entrance to only those individuals authorized to have access to the children provides a critical additional layer of protection for children and staff present at the center. The LDOE recommends submission as Final Rule in the December issue of the *Louisiana Register*.