



LOUISIANA DEPARTMENT OF EDUCATION

November 21, 2019

Jonathan P. Pearce, President
Child Care Association of Louisiana
P.O. Box 80053
Baton Rouge, LA 70898

RE: WAIVER REQUEST GRANTED FOR: Part of §1807(A)(B) and (C) on Criminal Background Checks (CBCs) and §1715 (A)(4) in Bulletin 137, *Louisiana Early Learning Center Licensing Regulations*.

Dear Mr. Pearce:

We have received and reviewed the Child Care Association of Louisiana's request for a waiver for all early learning centers for the underlined parts of §1807(A)(B) and (C) and §1715 (A)(4) of Bulletin 137, which provide as follows:

§1807. CCCBC-Based Determinations of Eligibility for Child Care Purposes Required for Owners, Volunteers, Staff, Visitors, and Contractors of Early Learning Centers

- A. Owners. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each owner prior to submitting an initial application for licensure and shall provide documentation of said determination for each owner with an initial application for licensure. The center shall have documentation of said determinations available at all times for inspection upon request by the department.
- B. Volunteers and Staff. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each volunteer, staff member, or employee of any kind, and shall have documentation of said determinations available at all times for inspection upon request by the department.
- C. Visitors and Contractors. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each visitor or independent contractor of any kind, and shall have documentation of said determination available at all times for inspection upon request by the department, unless the visitor or independent contractor, other than a *therapeutic professional* as defined in §103 of this Part, will be accompanied at all times while at the center when children are present, by an adult staff member who is not being counted in child-to-staff ratios. The center shall have documentation of said determination of eligibility, or documentation of the accompanying staff member, available at all times for inspection upon request by the department.

§1715. Staff Records and Personnel Files

(A)(4). documentation of CCCBC-based determination of eligibility for child care purposes from the department.

You are requesting this waiver of the aforementioned underlined portions of Bulletin 137 so that early learning centers may timely hire necessary staff to ensure the safety and health of all children in their care

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and maintain child:staff ratio. You state in your request that early learning centers are currently unable to show documentation of CCCBC-based determinations of eligibility for staff, contractors or visitors due to the CCCBC System being down. These issues are the result of a statewide technological problems that occurred on or about November 18, 2019 and have not been resolved to date.

After careful consideration and review, the Child Care Association of Louisiana's request for a waiver for all early learning centers for parts of §1807(A)(B)(C) and §1715(A)(4) of Bulletin 137, is hereby **APPROVED**, contingent on the following conditions being met at all times for which the waiver is required:

1. A center must fax the department an Emergency New Hire Form with a copy of the new hire's driver's license or state issued identification card; and
2. The center must seek documentation for the CCCBC-based determination of eligibility within five (5) business days of public notice from the department that the CCCBC System has been restored.

THIS WAIVER IS VALID BEGINNING NOVEMBER 18, 2019 AND TERMINATING NOVEMBER 30, 2019. IF THE ISSUES LEADING TO THIS WAIVER REMAIN OF CONCERN, THE STATE SUPERINTENDENT MAY TAKE ACTION, AT HIS DISCRETION, TO EXTEND THE WAIVER. ABSENT ANY ACTION BY THE STATE SUPERINTENDENT, THIS WAIVER TERMINATES ON NOVEMBER 30, 2019.

The application of this waiver is contingent upon the center's full and continuous compliance with all of the conditions listed above. A center must adhere to these conditions at all times in order for the waiver to apply and continue to apply. If at any time a center is out of compliance with a condition, the waiver immediately becomes null, and the center may be in violation of the previously waived provision.

This waiver, as with all waivers, is issued at the discretion of the State Superintendent of Education and continues in effect at his pleasure. It may be revoked by the State Superintendent at any time, either upon violation of any condition attached to it at issuance; upon failure of any of the statutory prerequisites to issuance of a waiver, or upon determination that continuance of the waiver is no longer in the best interest of the Department.

Please contact Valerie Black, Director of Child Care Criminal Background Checks, at (225) 342-2716 with any questions or concerns regarding this waiver.

Sincerely,



John White
State Superintendent

Cc: Shelia Campbell, Director of Licensing
Lisa Brochard, Executive Director, Early Childhood
Jessica Baghian, Assistant Superintendent, Early Childhood



LOUISIANA DEPARTMENT OF EDUCATION

EARLY CHILDHOOD EMERGENCY NEW HIRE FORM

This form is only to be used during the waiver period initiated on November 21, 2019 for documentation requirements in part of §1807(A)(B) and (C) on Criminal Background Checks (CBCs) and §1715 (A)(4) in Bulletin 137, *Louisiana Early Learning Center Licensing Regulations*.

**Fax this form and a copy of each New Hires' state issued identification card or driver's license to:
ATTN: LDOE, CCCBC UNIT (225) 342-2498**

Early Learning Center Information

Center's Name: _____ License #: _____

Center's Location Address: _____

Owner/Director Name: _____

Phone Number: _____ Alternative Phone Number: _____

New Hire Information

New Hire's Legal Name (First/Middle/Last):

Date of Birth (MM/dd/YYYY): _____ Maiden Name(s) and Aliases: _____

Other states New Hire has resided within the last 5 years:

Additional New Hire Information

New Hire's Legal Name (First/Middle/Last):

Date of Birth (MM/dd/YYYY): _____ Maiden Name(s) and Aliases: _____

Other states New Hire has resided within the last 5 years:

**FAX THIS FORM AND A COPY OF EACH NEW HIRES' STATE ISSUED IDENTIFICATION CARD OR DRIVER'S
LICENSE TO: ATTN: LDOE, CCCBC UNIT (225) 342-2498**

Issued 11/21/2019

LOUISIANA DEPARTMENT OF EDUCATION
DIVISION OF LICENSING
P.O. BOX 4249 BATON ROUGE, LA 70821
225-342-9905
Fax: 225-342-2498

REQUEST FOR A WAIVER FROM THE CHILD CARE LICENSING STANDARDS

Louisiana law allows the granting of waivers from the standards by the Board of Elementary and Secondary Education.

Name of Facility CCAL on BEHALF of all Louisiana child care providers and prospective early learning centers.	
Address of Facility	
License Number	Telephone Number 337-654-0783

In accordance with the Louisiana Administrative Code, the following clear and convincing evidence is submitted for a waiver with the assurance that the health, safety, and well-being of the children involved are not imperiled.

Waiver requested from:

- o Bulletin 137 - Louisiana Early Learning Center Type I, Type II, Type III Licensing Regulations- Section 1807(A)(B)(C) and Section 1715(A)(4).

List the standard and statement of standard for which a waiver is requested.
Section 1807(A)(B)(C) and Section 1715(A)(4). Documentation of CCCBC eligibility determinations

Please provide in the space below:

1. A detailed explanation of why a waiver is being requested at this time.
2. A detailed explanation of the reasons why the standard cannot be met.
3. A detailed description of the alternative method proposed for meeting the intent of the licensing standard sought to be waived.

1. In light of the shutdown to the CCCBC system and statewide network issues due to security breach by hacking, early learning centers are unable to prove eligibility determination for potential hires and independent contractors.

2. With the inability to use the CCCBC System, providers will not be able to show eligibility of hires or visitors to the Division of Licensing.

3. CCAL is requesting that child care providers be allowed to have new hires and visitors perform their services and maintain child:staff ratio without showing documentation of the CCCBCs to Licensing.

Thank you for your consideration in this matter. And thank you for understanding the unique needs of the childcare industry. Know that, the protection and safety of children is our top priority.

Please attach an addendum if additional space is needed and indicate if addendum is attached:

YES

NO

Signature: 

Title: Legislative Chair (CCAL)

Printed Name: Jonathan Pearce

Date: 11/21/19