

PROPOSED REVISIONS

Bulletin 137—Louisiana Early Learning Center Licensing Regulations

§103. Definitions

~~CBC—criminal background check.~~

~~Child Day Care Center—pursuant to 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.~~

~~Criminal Background Check (CBC)—a fingerprint based personal Louisiana criminal history information record for owners, applicants for employment, staff, volunteers, visitors, and independent contractors who perform services at an early learning center when children are present, obtained from the Louisiana Bureau of Criminal Identification and Information pursuant to R.S. 17:407.42, prior to March 1, 2018. A CBC is satisfactory if it shows no arrests for any crime included in R.S. 15:587.1(C), or if an arrest is shown on the CBC for any excludable offense, the CBC or documentation from the jurisdiction of arrest affirmatively shows that the charges were disposed of without a conviction. A plea of guilty or *nolo contendere* shall be deemed to be a conviction. Valid CBC affidavits and CBC annual letters that were issued prior to March 1, 2018 for the 2017-2018 school year shall be accepted as documentation of a satisfactory CBC.~~

~~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 (LDH) and Hospitals, Office of Public Health.~~

~~Right to Review (RTR)—a certified copy of an individual's personal criminal history information record obtained by the individual from the Louisiana Bureau of Criminal Identification and Information pursuant to R.S. 15:588.~~

~~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, parent-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 electronic form.~~

§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), and Hospitals (DHH) or the Department of Children and Family Services (DCFS), and the US Department of Defense.~~

§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 Office of Public Health, and its academic approval section to make an inspection of the center, as per their standards. However, it is the applicant's responsibility to obtain these inspections and approvals.~~

~~D. – E.~~

§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 initial licensing inspection shall not be conducted; the application shall may be denied and the department shall may pursue appropriate legal remedies.~~

§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 Office of Public Health Louisiana Department of Health and the department 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 department.~~

§903. Change of Ownership

A.—B.

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

§1103. Critical Incidents and Required Notifications

A. An early learning center shall make immediate notification to emergency personnel, law enforcement as applicable, and other appropriate agencies for the following types of critical incidents involving children in care:

1. death;
2. serious injury or illness that required medical attention;
3. ~~reportable infectious diseases and conditions listed in LAC 51:II.105; and a child left unsupervised for any amount of time;~~
4. use of prohibited behavior management as described in §1509.A.8.b;
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. The parent shall be contacted immediately following any immediate notifications made under Subsection A.

C. The department 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.

§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 department ~~shall~~ may issue a written warning/notice of violation of the standards listed in Subsection A of this Section that ~~shall~~ 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 ~~shall~~ may issue a written notice of violation that:

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

A. The department 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.

§1507. Daily Attendance Records

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

§1509. Policies

A. An early learning center shall establish in writing, prominently post or show parent’s signature of receipt, ~~and implement, and follow,~~ the following policies ~~and minimum provisions of such policies:~~

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

§1515. Child Records and Cumulative Files

A. – A.1.d.

- e. ~~name and telephone number of child’s physician, if applicable;~~
- f. ~~name and telephone number of the child’s dentist, if applicable;~~
- g. any special concerns, including but not limited to allergies, chronic illnesses, and any special needs of the child, if applicable; and

h. 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 ~~three~~ 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 department.

§1711. Child-to-Staff Minimum Ratios

A. Child to staff ratios are established to ensure the safety of all children.

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 ~~one~~ child is four children are present.

§1715. Staff Records and Personnel Files

A. – A.1.4

B. Records Retention. Staff records and personnel files shall be maintained for a minimum of ~~three~~ 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 department.

§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 ~~three~~ 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 department.

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's:

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

2. location of emergency preparation; exits and site-specific emergency preparedness plans;

~~3. licensing regulations; and~~

~~4. safe sleep practices.~~

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 department's 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 ~~date of hire~~ the first day present at the center and prior to assuming sole responsibility for any children, each staff member shall ~~receive orientation to the additional policies and practices of the center~~ complete the department's 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. ~~shaken baby prevention~~ early learning development standards; and,

6. ~~CPR and first aid, as applicable.~~

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

C.1. – C.5.

E. For the purposes of ~~Subsection B~~ of this Section, ~~certification documentation of completion~~ of the department's Key Training Modules 1, 2 and 3 and the DCFS Mandated Reporter training shall be sufficient. ~~shall be acceptable documentation.~~

§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 ~~licensing division~~ department upon request.

§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.

§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 department.

§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 this 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 department.

§1805. Persons Ineligible for Child Care Purposes

A. – B.1

C. A person may also be ineligible for child care purposes if upon the department's 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 those 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.

§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.

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

~~A. – CBCs and CCCBCs~~

~~1. Prior to March 1, 2018, an early learning center was required to obtain a criminal background check (CBC) from the Louisiana bureau for all owners, volunteers, staff members, employees, and independent contractors of any kind, and entities identified in §1809 were required to obtain either a right to review or a CBC for any of their employees and contract employees that provided services in early learning centers when children were present.~~

~~2. Effective March 1, 2018, an early learning center must obtain a child care criminal background check (CCCBC) based determination of eligibility for child care purposes from the department for all owners, volunteers, staff members, employees, and independent contractors of any kind, and an entity identified in §1809 must obtain a CCCBC based determination of eligibility for child care purposes from the department for any of its employees and contract employees that provide services in early learning centers when children are present.~~

~~B. New Hires and Others for whom a Center or an Entity Identified in §1809 Does Not Have an Existing Satisfactory CBC on March 1, 2018~~

~~1. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each owner, operator, volunteer, staff member, employee, visitor and independent contractor, and applicants for such positions, for whom the center does not have a satisfactory criminal background check on March 1, 2018, prior to the person being present or performing services in the center when children are present.~~

~~2. An entity identified in §1809 shall obtain a new CCCBC based determination of eligibility for child care purposes from the department for each employee and contract employee who provides services in early learning centers when children are present for whom the entity does not have a satisfactory CBC on March 1, 2018, prior to the person being present or performing services at an early learning center when children are present~~

~~C. Existing Owners, Staff and Others for whom an Early Learning Center Has an Existing Satisfactory CBC on March 1, 2018~~

~~1. An early learning center that has an existing satisfactory CBC on March 1, 2018, for persons who are continuing to provide services at the center, shall be required to request a new CCCBC based determination of eligibility for child care purposes from the department for such persons~~

~~by submitting a request to the department and having the person for whom it is requested submit fingerprints to the Louisiana bureau within the following time periods and categories:~~

~~a. between April 1 and May 31, 2018 for all owners, operators, directors, director designees and staff in charge of any early learning center;~~

~~b. between May 1 and June 30, 2018 for any volunteers and staff members employed at the center for five or more years;~~

~~c. between June 1 and July 31, 2018 for any volunteers and staff members employed at the center between two and five years, and all visitors and independent contractors, including those independent contractors with CBC affidavits and CBC annual letters issued prior to March 1, 2018 for the 2017-2018 school year;~~

~~d. between July 1 and August 31, 2018 for any volunteers and staff members employed at the center for two years or less.~~

~~2. A center's existing, satisfactory CBC on March 1, 2018, for a person who is continuing to provide services to the center, shall remain valid until the center receives the new CCCBC based determination of eligibility for child care purposes for the person or until October 1, 2018, whichever is earlier, provided the center has timely submitted a request to the department for a new determination of eligibility and the person for whom it was requested has timely submitted his fingerprints to the Louisiana bureau.~~

~~D. Existing Employees and Contract Employees for whom an Entity Identified in §1809 has an Existing Satisfactory CBC on March 1, 2018~~

~~1. An entity identified in §1809 that has an existing satisfactory CBC on March 1, 2018 for persons who are continuing to provide services in early learning centers when children are present, shall be required to request new CCCBC based determination of eligibility for child care purposes from the department for such persons by submitting a request to the department and having the person for whom it is requested submit fingerprints to the Louisiana bureau between June 1, 2018 and July 31, 2018.~~

~~2. An entity's existing, satisfactory CBC on March 1, 2018, for a person who is continuing to provide services in early learning centers when children are present, shall remain valid until the entity receives the new CCCBC based determination of eligibility for child care purposes for the person or until October 1, 2018, whichever is earlier, provided the entity has timely submitted a request to the~~

~~department for a determination of eligibility and the person for whom it was requested has timely submitted his fingerprints to the Louisiana bureau.~~

§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. ~~Cellular phones are not acceptable for this purpose.~~

2. When a center has multiple buildings and does not have a dedicated ~~a phone is not located~~ 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.

§1907. Furnishings and Equipment

A. - C.1.

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

§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.

§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.

§2105. Field Trips

A. - D.

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