



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION
P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064 · PHONE: 225-342-5840 · FAX: 225-342-5843

August 26, 2016

The Honorable John Bel Edwards
Governor
State of Louisiana
P.O. Box 94004
Baton Rouge, LA 70804-9004

James Garvey
1st BESE District

Kira Orange Jones
2nd BESE District

Sandy Holloway
3rd BESE District

Tony Davis
4th BESE District

Gary Jones
5th BESE District

Kathy Edmonston
6th BESE District

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7th BESE District

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8th BESE District

Thomas Roque
Member-at-Large

Lurie Thomason
Member-at-Large

Doris Voitier
Member-at-Large


RE: Declaration of Emergency
(LAC 28:CLXI)

Dear Governor Edwards:

The Board of Elementary and Secondary Education (BESE) has exercised the emergency provision in accordance with R.S. 49:953(B), the Administrative Procedure Act, and R.S. 17.6. to amend LAC 28:CLXI, Bulletin 137, *Louisiana Early Learning Center Licensing Regulations: §1703. Criminal Background Checks for Volunteers, Staff, Visitors and Independent Contractors*. This Declaration of Emergency, effective August 26, 2016, will remain in effect until November 30, 2016.

The proposed policy revision will allow childcare center staff to use their current criminal background checks to work in centers serving children displaced by the recent storms and flooding. The policy change allows a director or owner to affirm via affidavit that the employee had a clean background check and allows the employee to immediately meet a need for child care workers in affected areas. This policy revision will be in effect until November 30, 2016.

Sincerely,


James D. Garvey, Jr.
President

JG:NB:lc

Enclosure (1)

Shan N. Davis
Executive Director

John C. White
State Superintendent

c: Jeff Landry, Attorney General
Taylor F. Barras, Speaker of the House
John A. Alario, Jr., Senate President
Jeff Truax, Director, Office of the State Register
John White, State Superintendent of Education
Shan Davis, BESE Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

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

(LAC 28:CLXI.1703)

The Board of Elementary and Secondary Education (BESE) has exercised the emergency provision in accordance with R.S. 49:953(B), the Administrative Procedure Act, and R.S. 17.6. to amend LAC 28: CLXI, *Bulletin 137— Louisiana Early Learning Center Licensing Regulations: §1703. Criminal Background Checks for Volunteers, Staff, Visitors and Independent Contractors.* This Declaration of Emergency, effective August 25, 2016, will remain in effect until November 30, 2016.

The proposed policy revision will allow childcare center staff to use their current criminal background checks to work in centers serving children displaced by the recent storms and flooding. The policy change allows a director or owner to affirm via affidavit that the employee had a clean background check and allows the employee to immediately meet a need for child care workers in affected areas. This policy revision will be in effect until November 30, 2016.

Title 28 EDUCATION

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

Chapter 17. Minimum Staffing Requirements and Standards

§1703. Criminal Background Checks for Volunteers, Staff, Visitors and Independent Contractors

A. – H.2.e. ...

I. 2016 Flood-Related CBC Affidavits.

1. Applicability

a. This Subsection applies to childcare staff members who were employed on August 12, 2016, by a licensed early learning center located in Louisiana.

b. The covered parishes are those parishes covered by the Louisiana Severe Storms and Flooding (DR-4277) major disaster declaration issued under the authority of 42 U.S.C. 5121 et seq. (the “Stafford Act”). The covered parishes are Acadia Parish, Ascension Parish, Avoyelles Parish, East Baton Rouge Parish, East Feliciana Parish, Evangeline Parish, Iberia Parish, Iberville Parish, Jefferson Davis Parish, Lafayette Parish, Livingston Parish, Pointe Coupee Parish, St. Helena Parish, St. Landry Parish, St. Martin Parish, St. Tammany Parish, Tangipahoa Parish, Vermilion Parish, Washington Parish and West Feliciana Parish.

2. Such childcare staff members may submit to an early learning center located in the covered parishes, or any early learning center that has taken into its care children displaced by the severe storms and flooding, a valid 2016 Flood-Related CBC affidavit, and the center shall accept the valid 2016 Flood-Related CBC affidavit as documentation of a satisfactory fingerprint-based CBC until the new center obtains its own satisfactory CBC from the Bureau for the staff member. However, under no circumstances shall a 2016 Flood-Related Affidavit be valid after November 30, 2016.

3. A 2016 Flood-Related CBC Affidavit shall be valid if it:

a. meets all requirements of this Subsection;

b. is on a form prescribed by the Licensing Division;

c. is completed and signed by the individual who was the director or the owner of the employing licensed early learning center on August 12, 2016;

d. expressly states that the person signing the affidavit is certifying that the affidavit is being provided for a person who was a current staff member of the former early learning center on August 12, 2016, and for whom a satisfactory finger-print based CBC had been previously obtained by that center; and

e. is an original, completed, and notarized affidavit.

4. Affidavits prepared and used in accordance with this Subsection shall become null and void on November 30, 2016, and this Subsection shall no longer be valid after November 30, 2016.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:631 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 42:.

James D. Garvey, Jr.
President