

Office of Early Childhood Care and Education

Frequently Asked Questions (FAQs):

Act 409: Licensure of classrooms for 3&4-year-old children in nonpublic schools
(Revised 7/21/25)

Overview

[Act 409 of the 2025 Regular Legislative Session](#), in making provisions to ensure the welfare of young children, provides child welfare and safety minimum standards for prekindergarten programs and institutes licensure for programs for 3- and 4-year-old children in nonpublic schools.

LDOE License Application Questions

Q: What is the deadline for application for licensure by nonpublic schools serving 3- and/or 4-year-old children?

- A. Act 409 requires that all prekindergarten programs requiring licensure (which includes nonpublic schools serving 3- or 4-year-old children) shall apply for licensure no later than January 1, 2026.

Q: What type of license will nonpublic schools with 3- and/or 4-year-old classrooms receive from the LDOE?

- A. Every site applying for licensure applies for one of the following types of licenses:
- A “type I license” is the type of license issued to an early learning site that is owned or operated by a church or religious organization that is qualified as a tax exempt organization under §501(c) of the *Internal Revenue Code* and that receives no state or federal funds directly or indirectly from any source.
 - A “type II license” is the type of license issued to an early learning site that either receives no state or federal funds directly or indirectly from any source or whose only source of state or federal funds is from the U.S. Department of Agriculture’s food and nutrition programs.
 - A “type III license” is the type of license issued to an early learning site that directly or indirectly receives state or federal funds from any source other than the federal food and nutrition programs. Type III early learning sites shall meet the performance and academic standards of the Early Childhood Care and Education Network regarding kindergarten readiness as determined by BESE.

Q: Are there any instances in which a nonpublic school will *not* be required by the new legislation to be licensed?

- A. A nonpublic school serving only students in kindergarten and above does not need a license. Additionally, a nonpublic school whose prekindergarten program is accredited or provisionally accredited by the Louisiana Montessori Association will not need to seek a license.

Q: What are the steps to take to apply for a license?

- A. See [Chapter 7 of Bulletin 137 - Louisiana Early Learning Center Licensing Regulations](#) (Bulletin 137) and the [initial check list](#) to help your site prepare to apply for a license. You may also attend any of a series of monthly webinars, in any order to learn more about the licensure process:
1. The EdLink New User Account Set-Up and Access” webinar will provide the steps needed to set up an EdLink account—EdLink is where applications for licensure are set up.
 - These webinars will be available Mondays, July 14-December 22, 2022, from 10 a.m. to 12 p.m.
 - Participants can register for these webinars at the following links:
 - [July Registration Link](#)
 - [August Registration Link](#)
 - [September Registration Link](#)
 - [October Registration Link](#)
 - [November Registration Link](#)
 - [December Registration Link](#)
 2. The “Initial Licensure Process Guidance” webinar will provide information about how to apply for licensure, what information and documentation is needed to apply, and what to expect during initial inspection.
 - This webinar will be held on the first and third Tuesdays of each month, July through December 2025. The webinar can be accessed as follows:

Webinar Date:	First and Third Tuesdays
Webinar Time:	10:00 - 11:00 a.m.
Webinar Link:	https://ldoe.zoom.us/j/93975346847?pwd=RE8CuUMbRef8cDDj35lSaHP38UUgOL1
Phone Number:	312 626 6799
Meeting ID:	939 7534 6847
Passcode:	564123
 3. The “Bulletin 137 New Provider Orientation” training offers a review and discussion of regulations requirements.
 - This webinar will be held on the second Wednesday and the fourth Thursday of each month, July through December 2025.
 - The webinar held on the second Wednesday of each month can be accessed as follows:

Webinar Date:	Second Wednesdays
Webinar Time:	10:15 a.m. - 12:15 p.m.
Webinar Link:	https://ldoe.zoom.us/j/99265064302?pwd=dKarZtmFatKQNTnHbpaC51pFjFfx5.1
Phone Number:	312 626 6799
Meeting ID:	992 6506 4302
Passcode:	862567

- The webinar held on the fourth Thursday of each month can be accessed as follows:

Webinar Date: Fourth Thursdays
Webinar Time: 10:00 a.m. - 12:00 p.m.
Webinar Link: <https://ldoe.zoom.us/j/98370205822?pwd=SMhxzzf5XaaLkNt7eiVMbbWuSk5lma.1>
Phone Number: 312 626 6799
Meeting ID: 983 7020 5822
Passcode: 890320

Q: Would it be possible to wait an additional year to have the requirements set forth in Act 409 implemented?

A. [Act 409](#) states the following:

- State central registry checks for all school employee applicants required by the act shall apply to any person hired on or after August 1, 2025.
- All early learning centers and prekindergarten programs shall be in compliance with the child safety and welfare minimum standards provided for in R.S. 17:407.41 no later than October 1, 2025.
- All prekindergarten programs requiring licensure as an early learning center pursuant to Act 409 shall apply for licensure no later than January 1, 2026.
 - To apply for licensure, all regulations in *Bulletin 137* must be in place, along with requirements of the State Fire Marshal and LDH (LHS 48 form) Sanitarian Services met.

Q: What will happen after our application for licensing is submitted, if the Division of Licensing finds our site does not meet some of the requirements of Bulletin 137?

A. If there are requirements not met during the initial licensure process, Licensing staff will work with the site, providing guidance, to help the site meet compliance.

Q: If a school was licensed in the past, prior to licensure moving under the LDOE, would the school now be renewing a former license or applying for a new license?

A. If a site is not currently licensed, an application for a new license is required.

Q: If our Pre-K3 classrooms are already licensed in one building, do we need an additional license for our Pre-K4 classrooms that are located in a different building?

A. If both the Pre-K3 and Pre-K4 classrooms are located at the same physical address and the Pre-K3 classrooms are already licensed at that address, a new license would not be required for the site. A new building should be added to the license by completing an Edit Entity request in EdLink.

If your Pre-K3 building does not currently have a license and has a separate address from other currently licensed space, please contact a [Licensing Consultant](#) to help determine whether the building(s) with a separate address can or can not be included in your current license.

Q: Is adding classrooms to an existing license a change of entity or change of capacity?

A. Adding one or more classrooms to an existing license constitutes a change of entity.

Q: I am the director of our current site, and I have a director designee. If we need two separate licenses for our school, can I or my director designee serve as the director for both licenses?

- A. Yes, if two separate licenses are required for your school, a qualified director or director designee can serve as the director for both licenses, as long as there is an on-site, full-time staff person at the school during the daytime hours of operation.

Q: If our site needs two separate licenses, will we be able to combine our Pre-K3 and Pre-K4 students for certain activities and before/after care, or will they always need to be separated?

- A. If the site needs separate licenses, the children from the separate licenses will need to be kept separate from each other.

Q: If our site will be licensing additional space, besides space already licensed at our site, will our license renewal date change?

- A. If adding additional space to a license, your site's renewal date will remain the same, because your site will be adding new information (such as a new building) onto an existing license. For example, if your current license expires in August 2026 but you submit an Edit Entity change request in EdLink in December 2025, to add additional space to the license, your licensing renewal date will remain August 2026.

LDH Sanitarian Services and State Fire Marshal Approval Questions

Q: What are the LDH requirements to be recommended for licensing?

- A. LDH requirements can be found in [Title 51 PUBLIC HEALTH—SANITARY CODE: Part XXI. Day Care Centers and Residential Facilities](#) (see page 543 within the document).

Also see the [LDH Sanitarian Services Review Questionnaire](#), which is the packet to be submitted to the local Sanitarian Office when a site seeks early childhood licensing. Completed questionnaires should be submitted to the [local sanitarian office](#) for the parish where the early learning site is located.

Q: What are the State Fire Marshal requirements to be recommended for licensing?

- A. The State Fire Marshal will continue to inspect schools under the same codes by which they are currently inspecting; consequently, if the building has been passing inspection as a school, it should continue passing inspection as a center.

If there is new construction or if there is a change of use (e.g., a former strip mall is being converted into a school or center), current requirements will be applied to inspection of that structure. Certain grandfathering provisions applied to older/historic structures will remain in place as long as the use of the structure remains the same.

For questions, contact the Office of State Fire Marshal in either of the following regions:

- Zone A (225, 985, and 504 area codes): (318)767-6099
- Zone B (318 and 337 area codes): (800)256-5452

Q: What steps will we need to take to obtain fire marshal approval for the site?

- A. The Office of the State Fire Marshal will conduct your annual site inspection according to its current schedule. Proposed revisions to *Bulletin 137* will provide that an up-to-date annual school

inspection will satisfy the requirement for Fire Marshal approval in the initial year. For subsequent years, licensed site inspections will coincide with school inspections, and documentation will be submitted to the LDOE with the renewal application.

A nonpublic school can ask the Fire Marshal to combine the inspection of the school space and the early childhood licensed space for the same date. Please be sure to notify the Fire Marshal in advance that your site now also requires inspection for its early learning space and that your certificate will need to state that the designated space is “acceptable for licensing.”

When making your request, please include as a contact e-mail address the *school* e-mail address and not the address for a *personal* e-mail address.

Contact the Office of the State Fire Marshal with further questions.

Licensing Regulations Questions

Q: When will the existing version of *Bulletin 137* (April 2025) be updated to reflect the new regulations?

- A. Updating BESE policy follows the rule promulgation process in the Administrative Procedure Act and requires BESE approval. If BESE approves the revised regulations at the August meeting, the bulletin could be updated as early as December 20, 2025; however, the process could also take more time than that depending on several factors.

Q: Can our site have staff complete a mandated reporter training of our choosing for elementary and Pre-K programs?

- A. All staff members of a licensed early childhood program are required annually to complete the online child abuse and neglect Mandated Reporter Training provided by the Department of Children and Family Services (DCFS).

In regard to training for elementary program staff, Children’s Code (CHC 609.A(3)(d)) says that an employer may provide equivalent training as approved by the Department of Children and Family Services.

Q: How is the usable space of a site determined?

- A. The indoor space used for children, such as the classrooms, will be measured as length of the room times width of the room and then divided by 35 to determine the maximum capacity.

Q: What is the minimum of square footage of usable indoor space that shall be available per child?

- A. A minimum of 35 square feet of usable indoor space shall be available per child younger than age 4. A licensed site may request approval from the Office of State Fire Marshal and the LDOE that, for children ages four and above, a minimum of 25 square feet of usable indoor space shall be available per child. Proposed Bulletin 137 revisions would allow for the 25 square footage rule to apply as early as August 1 each school year, if all children in the classroom will be age 4 by September 30 of that school year.

Q: What processes will our school have to follow at drop-off and pick-up time? Does Bulletin 137 allow an early learning site to use a carpool line, or do parents have to park and enter the school building to drop off and pick up three- and four-year-old children?

- A. Licensed sites are required to maintain a daily attendance record for children that shall include the child's first and last name, arrival and departure times, date, and first and last name of person or entity to whom the child is released. The Department will provide a sample form that may be used in carpool lines, that will be easy to complete, in order to meet this regulation.

Q: Does the site's cafeteria need to be licensed by the state in order for children to be able to use this facility?

- A. No, the cafeteria does not need to be licensed by the state if it is only used by children 4 and under for dining. If the cafeteria is also used for daily learning activities by the early learning site, then it will need to be included in the licensed space.

The teacher:child ratio and supervision must be maintained for the children served in the licensed programs, even when in unlicensed spaces.

Q: Will Pre-K4 children be able to attend our weekly school Masses with the rest of the school, as they do now?

- A. Travel across the school grounds to an unlicensed area shall be considered a non-vehicular excursion that requires written parental authorization. The LDOE will be providing the form to be used for gathering this authorization. Authorization shall include the name of the child, type and location of the activity, date and signature of the parent, and shall be updated at least annually.

The teacher:child ratio and supervision must be maintained for the children served in the licensed programs, even when in unlicensed spaces.

Q: Our Pre-K4 students have 7th grade buddies that they meet with periodically throughout the year and sit with during Mass: will that still be allowed?

- A. The Department is proposing adding to Bulletin 137 a definition for "Student Mentors," for students who are enrolled at the school that is associated with the center and are present in the early learning classroom of the school in a mentoring role.

Student Mentors 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.

Q: Will Pre-K3 and Pre-K4 children still be able to attend school assemblies and/or utilize the school gymnasium?

- A. Travel across the school grounds to an unlicensed area (including the school's main office) shall be considered a non-vehicular excursion that requires written parental authorization. The LDOE will be providing the form to be used for gathering this authorization. Authorization shall include the name of the child, type and location of the activity, date and signature of the parent, and shall be updated at least annually.

The teacher:child ratio and supervision must be maintained for the children served in the licensed programs, even when in unlicensed spaces.

Q: For Non-Vehicular Excursions such as going to church or the gymnasium, must our site meet ratio + 1 staff member?

- A. The additional adult is not needed as long as the travel to the church or gymnasium is within a space enclosed with a permanent fence or other barrier to prevent children from traffic hazards, leaving the premises alone, or contact with animals or unauthorized persons.

Q. What additional considerations will we need to make when scheduling field trips?

- A. For a site to be able to conduct field trips, “transportation” must be included on the site license and the site would need to be compliance with the requirements under §2101, 2105, 2017.B. of Bulletin 137, such as parental authorizations, maintaining record of each field trip, conducting and documentation of visual passenger checks.

Q: If schools require that the parents drive their own children on field trips, does “transportation” still need to be included on the site license?

- A. Transportation still must be on the license because, per Bulletin 137, Chapter 21 “Minimum Transportation Requirements and Standards” includes transportation that is Center-Provided, Parent-Provided or Contracted Transportation Drivers.

Q: Are Pre-K3 and Pre-K4 children allowed to walk down school hallways to go to the bathrooms located in the school?

- A. Yes, as long as Supervision is met.

Q: Can a Pre-K classroom be located on the 2nd or 3rd floor of a building?

- A. A Pre-K classroom can be located on the 2nd or 3rd floor of a building as long as all requirements are met, including Department of Health and Office of State Fire Marshal.

Q: For early learning centers large enough that they need a dedicated director, can the director be a current school administrator even though the administrator has other duties outside of the early learning center license? Or does this person have to be dedicated strictly to the licensed center?

- A. The director can be a current school administrator as long as he or she is responsible for planning, managing, and controlling the center’s daily activities, as well as responding to parental concerns, and ensuring the licensing requirements are met. When there are more than 42 children in care, the director can only perform administrative duties.

Q: Licensing Regulations (found in *Bulletin 137*) state that three-year-old children must rest for 75 minutes. What are the requirements for 4-year-old children?

- A. Children ages four and five shall be offered the opportunity for daily quiet time.

Q: For the minimum 12 clock hours of continuing education per site anniversary year required for staff members of early learning sites, where do we find the approved list of providers?

- A. Providers may complete Department-approved self-paced, [online training](#) (through the “EC Learn” Professional Learning Suite platform) provided by the LDOE or utilize an in-person trainer from the LDOE Early Childhood registry of approved trainer (i.e., [Pathways-approved trainers](#)).

Q: What kind of training topics count toward the minimum 12 clock hours of continuing education per site anniversary year required for staff members of early learning sites?

- A. Continuing education hours for early learning staff shall be in the areas of child development, child guidance, child abuse prevention, emergency preparation, licensing regulations, learning activities, health and safety, shaken baby prevention, CPR, first aid, and/or management/administrative.

Q: Can sites use existing trainers for the CPR and Pediatric First Aid trainers, or will sites need to use specific trainers?

- A. Sites can use existing trainers for CPR and Pediatric First Aid. Documentation of the certification must indicate the CPR and PFA training was completed. If a CPR/PFA course was completed online, there must be a live demonstration by the instructor and then a demonstration by the participant as well.

Q: What training is required for substitute teachers and parent volunteers?

- A. Please see the following sections of Bulletin 137 regarding required training for substitute teachers: §1719. Orientation, §1721. Continuing Education, §1725 Medication Administration Training, §1723. CPR and First Aid Certifications, and §1727 Child Neglect and Abuse Mandatory Reporter Training.

There is no required training for parents who volunteer in their child's class periodically. If a parent is in the early learning site daily volunteering, then he or she will be considered staff and will need to meet all requirements for a staff member.

Q: Current Pre-K3 at our school requires students to be potty trained before beginning Pre-K3. Will we be allowed to continue to enforce this rule?

- A. Bulletin 137 requires that children shall be changed and cleaned immediately following a toileting accident and that staff shall respond promptly to a request from a child for toileting assistance.

Q: Will a nonpublic school need to notify the LDOE of temporary closures due to school holidays?

- A. Yes, notification will need to be made of closures due to school holidays. A one-time e-mail to the assigned Licensing Consultant can be sent at the beginning of the school year, listing all closures due to school holidays.

CCCBC and Fingerprinting Questions

Q: What is a CCCBC?

- A. A CCCBC, or Child Care Criminal Background Check, is a specific background check that must be completed for anyone who owns, operates or participates in the governance of an early learning center, or is employed by an early learning center as a volunteer, staff member, employee or independent contractor of any kind, or is employed by an entity identified in Bulletin §1809 as an employee or contract employee that provides services in early learning centers when children are present

The CCCBC must also be submitted through the LDOE [CCCBC](#) system. Guidance on how to submit a CCCBC application, including how to pay for fingerprinting, where to get fingerprinted, and what codes to provide when getting fingerprinted, will be shared in the bimonthly “Initial Licensure Process Guidance” webinars held on the first and third Tuesdays of each month, July through December 2025. Other guidance can also be found [here](#).

Q: Will all employees who work with 3- and 4-year-old children, in any capacity, be required to have a CCCBC (a Child Care Criminal Background Check)?

- A. There must be a CCCBC-based determination of eligibility for child care purposes from the Department for each volunteer, staff member, or employee of any kind—including bus drivers, substitute teachers, enrichment teachers, school secretaries or anyone else—who is left alone with children or who has supervisory or disciplinary authority over the children.

Staff members who are left alone with children or have supervisor or disciplinary authority over children must also have a minimum of three clock hours of continuing education in job-related topics per site anniversary year.

Q: Will anyone providing before or after care for children 4 and younger be required to be fingerprinted and receive the Child Care Criminal Background Check (CCCBC)?

- A. Yes, a CCCBC-based determination of eligibility for child care purposes as well as other personnel records are required for anyone providing before and/or after care for children.

Q: For the CCCBC, can our existing school fingerprinting system be used to fingerprint all staff (K-12 teachers as well as early learning center staff), since the fingerprinting requirements are all the same now?

- A. Idemia/IdentoGO is the sole authorized provider of fingerprinting services for the CCCBC. When completing fingerprinting for Louisiana early learning centers, please ensure that applicants use the service code 27N4H8. Failure to use the correct service code will prevent the Department from receiving your fingerprint results and processing your CCCBC.

If your school has a fingerprinting machine provided by Idemia/IdentoGO, Idemia now authorizes the use of the CCCBC early learning center’s service code 27N4H8 on school board fingerprinting machines, effective immediately, contingent upon the school’s approval.

Q: Do the current Pre-K3 and Pre-K4 teachers who have already been fingerprinted but did not go through the CCCBC need to be re-fingerprinted to be run through the CCCBC system?

- A. Federal regulations only allow for fingerprint-based Criminal Record History Information (CHRI) to be used for a single designated purpose. Sharing CHRI for noncriminal justice uses, such as for both employment and teacher certification purposes, is not permitted. The Criminal Background Check (CBC) required for teacher certification is distinct from the Child Care Criminal Background Check (CCCBC) used for employment in early learning sites. One background check cannot be used for both employment and certification purposes, as this is prohibited by both the FBI and the Louisiana State Police. It is recommended that inquiry be made as to whether multiple fingerprinting for separate purposes can be taken on occasion of one appointment.

School Procedure Questions

Q: Will our school need to change its current process, in which Independent Contractors sign in at the central office and receive passes? This allows us to monitor campus security and ensure visitor accountability.

- A. In this scenario, the school would not need to change the current process for signing in at the central office and receiving a pass. Note, however, that while in the licensed space, Independent Contractors must be accompanied by an early learning center staff member not counted in child to staff ratio or have a CCCBC-based determination of eligibility for child care purposes.

Q: Does our school need to follow separate daily sign-in procedures for Pre-Kindergarten program staff v. other school staff?

- A. The daily attendance staff log can be combined and located in a central office location as long as the log can be provided during a monitoring inspection: it does not have to be stored in the licensed space. A best practice is having a separate attendance log sheet for the early learning staff, to minimize confusion and record review during monitoring visits.

Q: Some schools have full-time nurses located near the office, which may be outside the designated “licensed area.” Will children from the pre-kindergarten programs be allowed to visit the nurse’s office?

- A. Yes, the Pre-K children would be allowed to visit the nurse’s office. The school’s nurse would need a CCCBC-based determination of eligibility for child care purposes. The children should be accompanied, to and from the nurse’s office, by a staff member with a CCCBC-based determination of eligibility for child care purposes.

Q: Under “temporary closure” in *Bulletin 137*, if the whole school closes, does the licensed area still have to notify LDOE individually?

- A. Yes, if the whole school closes the licensed early learning space needs to notify the LDOE Division of Licensing of the temporary closure by sending an e-mail notification to the site’s assigned [Licensing Consultant](#) or to ldelicensing@la.gov.

Q: Can Pre-K3 and Pre-K4 children attend established before and after care at the school?

- A. Yes, Pre-K3 and Pre-K4 children can attend before and after care at the school, as long as Bulletin 137 rules and regulations still apply to the before and/or after care provided.

Q: Would the use of electronic devices be permitted for our school’s Summer Camp activities?

- A. Yes, electronic devices can be used for Summer Camp activities, but the time allowed for electronic device activities for children ages two and above shall not exceed two hours per day, with the exception that television, DVD, or video viewing shall be limited to no more than one hour per day. See Bulletin 137 Section 1509. A.9 for more information.

General Questions

Q: Are there any consultants that can help walk a school through the licensure process?

- A. Yes, a [Licensing Consultant](#) will be available to answer questions via phone (225-342-9905) or e-mail (ldelicensing@la.gov). In addition, the Department will offer bimonthly webinars regarding the licensure process.

Q: I know many early learning centers use attendance tracking systems such as Brightwheel, but I was hoping not to have to purchase this software. Are there any no-cost options for attendance tracking software available?

- A. CenterTrack is a free Child Care Management System (CCMS) offered Louisiana providers may obtain and use to track attendance. For more information about CenterTrack, contact centertrackla@kindersystems.com.

Q: Are there forms and templates related to Licensing processes and guidelines available?

- A. Sample forms can be found on the Department's website under [Licensed Center Forms](#).

Q: If a staff member cannot attend the technical assistance webinars because of their work responsibilities when the webinars are held, will recordings of the webinars be available?

- A. In August 2025 the Department will be adding to the website and sharing with schools recordings of webinars.

Q: How does the LDOE plan to accommodate the increase in licensing applications (initial and renewal applications), as well as changes to entity, site capacity, etc., that will come with the increase in sites required to be licensed?

- A. The LDOE will be hiring additional Licensing Specialists and other staff to ensure timely processing for child care sites and nonpublic school sites.

Q: Act 409 requires that no later than September thirtieth of each year each site shall submit a list to the LDOE of all teaching providers employed by the entity and identify the employees that have complied with the training requirements and those employees that have not complied. Can the date for the list submission be pushed back to the end of October to allow for in-person training?

- A. The mandatory reporter training report shall be submitted to the LDOE beginning with the 2026-2027 school year, so there will be sufficient time for all required staff to complete the training prior to September 30, 2026.

Q: How can our site obtain a copy of “The Safety Box” from the Louisiana Office of the Attorney General's e-mail, as it is updated?

- A. The Louisiana Office of the Attorney General issues a quarterly newsletter called “The Safety Box,” which contains information on recalled children’s products and toy hazard recalls received from the Consumer Product Safety Commission (CPSC). Please note that any items listed as recalled must be immediately removed from the early learning premises. The Safety Box Newsletters can be found at <https://www.ag.state.la.us/Safetybox>.

Q: During summer, can camp programs use the rooms assigned to the early learning center if the early learning center program is not in session?

- A. No, once a license is issued for a location, any care, including summer or holiday camps, provided in the licensed space for children under the age of five must be included under the license and meet licensing regulations.