



LOUISIANA DEPARTMENT OF EDUCATION

August 3, 2017

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

RE: WAIVER REQUEST GRANTED FOR: Part of §1703(A) and (B) on Criminal Background Checks (CBCs) 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 parts of §1703(A) and (B) of Bulletin 137, which provide as follows:

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

- A. **Volunteers and Staff.** An early learning center shall obtain a satisfactory fingerprint based criminal background check (CBC) from the bureau for each volunteer, staff member, or employee of any kind, prior to the person being present at the center or performing services for the center, and the center shall have copies of said documentation on-site at all times and available for inspection upon request by the Licensing Division.
- B. **Visitors and Contractors.** An early learning center shall obtain documentation of a satisfactory fingerprint-based CBC or RTR for each visitor or independent contractor of any kind, prior to the person being present at the center or performing services for the center unless the visitor or independent contractor, other than *therapeutic professionals* as defined in §103, will be accompanied at all times while on the center premises by an adult, paid, staff member who is not being counted in child-to-staff ratios, and the center shall have copies of said documentation on site at all times and available for inspection upon request by the Licensing Division.

You are requesting this waiver so that early learning centers may timely hire necessary staff to ensure the safety and health of all children in their care. You state in your request that early learning centers are currently unable to obtain CBCs for their staff due to unexpected delays in receiving CBC results. These delays are the result of a backlog stemming from technological problems that occurred with the Live Scan system maintained by the Louisiana Sheriff's Association (LSA).

After careful consideration and review, the Child Care Association of Louisiana's request for a waiver for all early learning centers for parts of §1703(A) and (B) of Bulletin 137, is hereby **APPROVED**, contingent on the following conditions being met at all times for which the waiver is required:

1. A person may be hired by an early learning center temporarily pending receipt of the person's criminal background check (CBC), if the center has requested a criminal background check for the person and the person has submitted his/her fingerprints to the LSP in connection with the center's request; and the center has written documentation from a sheriff's office or the LSP showing it has requested a CBC and the person's fingerprints have been submitted. The receipt

August 3, 2017

- should contain the name of the applicant, name of the center, date fingerprints were submitted, and the Local Booking Number (LBN) for the person whose fingerprints were submitted; and
2. The center has a written certification, signed by the person, indicating he/she has not been convicted of or pled nolo contendere to any of the crimes listed in R.S. 15:587.1(C); and
 3. There is at least one person for whom the center has documentation of a satisfactory CBC at the center during all hours of operation when a child is present; and
 4. The person whose fingerprints have been submitted but for whom a CBC has not been received is never left alone with children; and
 5. The center agrees to, and does, immediately terminate such person upon receipt of an unsatisfactory CBC.

THIS WAIVER IS VALID BEGINNING AUGUST 3, 2017 AND TERMINATING SEPTEMBER 30, 2017. 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 SEPTEMBER 30, 2017.

The application of this waiver to a specific center 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.

The health and safety of the children placed in care outside of the home is of paramount concern to the Department of Education. As such, we appreciate your continued cooperation and compliance with all of the standards provided in Bulletin 137.

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 (i.e. the cost of compliance is no longer so great as to be impractical or the health and safety of any staff or child in care is imperiled), or upon determination that continuance of the waiver is no longer in the best interest of the Department.

Please contact Andrea Burl in the Division of Licensing, at (225) 342-9905 or at Andrea.Burl@la.gov with any questions or concerns regarding this waiver.

Sincerely,



John White
State Superintendent

Cc: Shelia Campbell, Director of Licensing
Jenna Conway, Assistant Superintendent, Early Childhood