



LOUISIANA DEPARTMENT OF EDUCATION

July 1, 2020

Mrs. Sandy Holloway, President
Louisiana Board of Elementary and Secondary Education
1201 North Third Street
Baton Rouge, LA 70802

President Holloway:

Pursuant to the authority granted to the BESE President in LAC 28: I.305.B. to make ad hoc decisions for the board in times of emergency, and subject to ratification by the board, I am requesting a waiver of BESE rules to support Louisiana local education agencies (LEA) and early childhood centers and in-home providers severely impacted by the recent COVID-19 public health emergency. The length of each waiver is defined below, in order to address the needs of educators, students, and children.

Rules Impacting Early Learning Centers (Bulletin 137—*Louisiana Early Learning Center Licensing Regulations*):

- Bulletin 137, 1721(A)(1)—Continuing Education. Waive the annual continuing education requirements for the period between March 1, 2020 and February 28, 2021 due to the availability and cost to providers.
- Bulletin 137, §1707(D)—Staff age requirement. In addition to a person age 17, a person age 16 may be included in child-to-staff ratios, if the person works under the direct supervision of an adult staff member. This waiver shall be effective March 14, 2020 through August 31, 2020, unless terminated sooner by BESE.
- Bulletin 137, §1815(B)-(C)—Fees for the Child Care Criminal Background Check. Waive the \$15 Department fee for background checks and the \$15 fee for out of state applicants until September 30, 2020.

Rules Impacting Family Child Care Providers and In-Home Providers (Bulletin 139—*Louisiana Child Care and Development Fund Programs*):

- Bulletin 139, §309(A)(5)—Approval. Allow the Department to approve CCAP Family Child Care Providers prior to the approval from the State Fire Marshal, provided approval is received from the State Fire Marshal within 90 days of registration/certification. This waiver shall remain in effect until December 31, 2020, unless terminated sooner by BESE.
- Bulletin 139, §311(A)(4)—Approval. Allow the Department to approve CCAP In-Home Providers prior to the approval from the State Fire Marshal, provided approval is received from the State Fire Marshal within 90 days of registration/certification. This waiver shall remain in effect until December 31, 2020, unless terminated sooner by BESE.
- Bulletin 139, §309(A)(11)—Training. Waive the annual training requirements for Family Child Care Providers during the period between March 1, 2020 and February 28, 2021 due to availability and cost to providers.
- Bulletin 139, §310(F) -- Fees for the Child Care Criminal Background Check. Waive the \$15 Department fee for background checks and the \$15 fee for out of state applicants until September 30, 2020.
- Bulletin 139, §311(A)(10)—Training. Waive the annual training requirements for In-Home providers during the period between March 1, 2020 and February 28, 2021 due to availability and cost to providers.



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Rules Impacting the Child Care Assistance Program (Bulletin 139—*La. Child Care and Development Fund Programs*):

- Bulletin 139 §515(A)—Payments. Allow Family Child Care Providers and In-Home Providers to receive the same state maximum payments of Type III CCAP providers. This waiver shall remain in effect until September 30, 2020, unless terminated sooner by BESE.
- Bulletin 139, §515(B)-(D)—Payments. Allow Department to issue payments to providers on behalf of eligible households at the state maximum daily rate for CCAP care, regardless of the number of hours the child is actually in care; to allow for the Department to waive the requirement for eligible CCAP households to pay co-payments; to allow for the Department to issue payment to the providers prior to the child care being provided. This waiver shall remain in effect until September 30, 2020, unless terminated sooner by BESE.

Rules Impacting Educators (Bulletin 746, *Louisiana Standards for State Certification of School Personnel*):

- Bulletin 746, §325--Extension. Grant a one-year extension for educators who held an Out-of-field Authorization to Teach (OFAT) in 2019-2020 and who will need the OFAT in 2020-2021. (This waiver supports educators, whose ability to move from an Out-of-field Authority to Teach (OFAT) to an add-on certification was impacted due to the unavailability of Praxis exams. This extension is only available to educators who were employed in 2019-2020 as reported by school systems in the Profile for Educational Personnel (PEP) and who will need the OFAT in 2020-2021.

If approved, these waivers of BESE rules will be subject to the ratification of the state board at its next scheduled meeting and will be immediately communicated to impacted persons and entities as they attempt to respond to this unprecedented public health emergency. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Cade Brumley".

Dr. Cade Brumley
State Superintendent of Education

Approved:

A handwritten signature in blue ink that reads "Sandy Holloway".

Sandy Holloway, President
Louisiana Board of Elementary and Secondary Education

Date 7/1/20