REVISIONS TO

Bulletin 137—Louisiana Early Learning Center Licensing Regulations

§103. Definitions

Academic Approval--verification by the department that a Type III early learning center is meeting the performance and academic standards required in Bulletin 140-The Louisiana Early Childhood Care and Education Network.

Child—person who has not reached age 13. ~~18 or otherwise been legally emancipated.~~

Child Care Health Consultant—qualified health and safety professional approved by DHH to provide training, consultation, and technical assistance to in and out of home child care facilities and early childhood education staff (and parents) on health and safety topics.

~~*DHH*—Department of Health and Hospitals.~~

Head Start and *Early Head Start Programs*—federally-funded early childhood care and education programs that promote and teach school readiness to children ages birth to five from low-income families and provide services in the areas of education, services to children with disabilities, social services for families, nutrition, family engagement, health and mental health, as well as providing the physical plant and instructional staff members for such purposes.

Independent Contractors—individuals who are not employees of the center, but who render professional, therapeutic, or enrichment services within an early learning center. Independent contractors include, but are not limited to, dance instructors, gymnastic or sports instructors, computer instructors, speech therapists, nutritionists, early interventionists, nurses and other licensed health care professionals, local school district staff, ~~Department of Education staff~~ department staff other than those responsible for inspecting centers, contracted bus drivers, cafeteria and maintenance personnel, electricians, plumbers and photographers, and other outside contractors.

LDH--Louisiana Department of Health

~~*Office of Early Childhood*—Louisiana Department of Education, Office of Early Childhood.~~

Parent—parent or legal custodian.

Special Needs Care--for licensing purposes, child care for a child through age 17 who has a current individualized family services plan (IFSP) or individual education plan (IEP) in accordance with the Individual's with Disabilities Education Act (IDEA) or who receives supplemental security income (SSL).

Staff-in-Charge—the on-site staff member appointed by the director as responsible for supervising the operation of the center during the temporary absence of less than 11 consecutive days of the director or during nighttime hours.

§307. Types of Licenses

A. A "type I license" is the type of license issued to an early learning center 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.1 - A.2. …

~~3. If an early learning center holding a type I license directly or indirectly receives any state or federal funds, its license is immediately revoked.~~

B. A "type II license" is the type of license issued to an early learning center 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 U.S. Department of Agriculture's food and nutrition programs, hereinafter referred to in this bulletin as "federal food and nutrition programs."

B.1. …

~~2. If an early learning center holding a type II license directly or indirectly receives any state or federal funds from any source, other than those received solely for food and nutrition programs, its license is immediately revoked.~~

C.1 - D. …

§315. Inspections

A. -- D. …

E. The department shall post results of inspections reports online.

~~**§317. Transitional Provisions**~~

~~A. Effective immediately, any early learning center possessing a class B license that receives no state or federal funds directly or indirectly from any source is deemed to be a type I center and its current license remains valid for the term stated on the face of the license. A new license shall be issued upon renewal of the existing license.~~

~~B. Effective immediately, any early learning center possessing a class A or class B license 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 federal food and nutrition programs is deemed a type II center and its current license remains valid for the term stated on the face of the license. A new license shall be issued upon renewal of the existing license.~~

~~C. Effective immediately, any early learning possessing a class A or class B license that receives state or federal funds directly or indirectly from any source other than the federal food and nutrition programs is deemed a type III center and~~

~~its current license remains valid for the term stated on the face of the license. A new license shall be issued upon renewal of the existing license.~~

~~D. Nothing in this Section shall prevent an early learning center otherwise qualified for a type I license from voluntarily seeking a type II or type III license, or an early learning center otherwise qualified for a type II license from voluntarily seeking a type III license, provided that such center meets the standards set forth for such licenses.~~

§319. Waivers

A. - B. …

C. An application, and all supporting documentation for a waiver shall be submitted in writing to the Licensing Division using the request for waiver form.

D. …

§701. Initial Application Process

A. Forms. Applications for licensure of new early learning centers shall be submitted using the department's online electronic system. ~~made to the Licensing Division on forms furnished by the Licensing Division. See the Department of Education's website for current forms and for directions as to how and where applications for licensure may be submitted.~~

B. - D.1.b. …

c. Once an application has been closed, an applicant still interested in obtaining a license must submit a new application and application fee electronically.

2. If the application is complete, the ~~Licensing Division~~ department will notify the applicant and will request the Office of State Fire Marshall, city fire (if applicable), Office of Public Health, and ~~Office of Early Childhood~~ 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.2.a. - D.2.b. …

c. Once an application has been closed, an applicant still interested in obtaining a license must submit a new application and application fee, electronically.

E. - E3. …

Initial Licensure. A license shall be issued on a completed initial application when the following items have been met and written verification has been received by the Licensing Division:

1. Office of State Fire Marshal approval;

2. Office of Public Health approval;

3. city fire approval, if applicable;

4. zoning approval/certificate of occupancy, if applicable;

5. ~~Office of Early Childhood~~ academic approval by the department, if type III center;

6. full licensure fee paid;

7. licensure inspection verifying compliance with all minimum standards; ~~and~~

8. CCCBC-based determination of eligibility for child care purposes from the department for all owners, operators, and staff; and

9. written documentation establishing ownership of the center.

§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.

A.1. - A.3. …

4. If the initial inspection indicates that a center is in compliance with all but the following standards, the center will be allowed 90 calendar days from receipt of the initial completed application to submit documentation of compliance with the following, and the application may be denied if the information is not received within the 90 calendar days:

a. Office of State Fire Marshal approval;

b. city fire approval, if applicable;

c. Office of Public Health approval;

d. ~~Office of Early Childhood~~ academic approval by the department, if type III center; and

e. documentation of a CCCBC-based determination of eligibility for child care purposes from the department.

B. - B.3. …

§705. Access

A.1. …

B. Department staff shall not view video recordings for annual inspections. Department staff shall be allowed to view video recordings as part of an investigation of a complaint or incident. In order to view a video recording for a complaint or incident, department staff shall provide in writing information about the complaint or incident, including the approximate date, time, location and description.

C. - D. …

§711. Renewal Applications

A. A license must be renewed by the last day of the month in which the current license expires.

B. An application for renewal of a license shall be submitted ~~to the Licensing Division on a form furnished by the Licensing Division.~~ using the department's online electronic system.

C. Each center is solely responsible for timely completing the online license renewal application. ~~obtaining the form to apply for renewal of a license and timely applying for renewal.~~ Notice of time for renewal shall not be sent by the Licensing Division.

D. …

E. If a complete renewal application, including the total annual licensure fee and all required documentation, is not received by ~~or postmarked by the~~ last day of the month in which the license expires, the license expires and shall not be renewed.

F. …

§713. Renewal and Other Inspection Procedures

A. Annual licensing inspections by the department, ~~and~~ current approvals by the Office of Public Health, Office of State Fire Marshal, and city fire (if applicable), and academic approval by the department (if Type III center), ~~Office of Early Childhood (if type III center) and the Licensing Division~~ shall be required before the expiration of an existing license. However, if a center has documentation establishing that the center requested an inspection by the Office of Public Health or the Office of State Fire Marshal prior to the expiration of the existing license, these approvals may be submitted to the department within 30 calendar days of the date of the license renewal.

A.1. - B. …

C. The director/director designee/staff-in-charge shall have an opportunity to review inspection deficiencies (if any) in consultation with Licensing Division staff.

1. If the director/director designee/staff-in-charge is not present at the center or is unable or unwilling to review the inspection deficiencies, the Licensing Division staff shall review with any staff at the center.

C.2. - D.2.c. …

§901. Change in Location

A. …

B. Temporary Change in Location

B.1. …

2. The license at the existing location shall not transfer to the temporary location. The existing license shall be ~~closed~~ suspended on the last day care was provided at that location.

B.3. …

§905. Change in License Type

~~A. Any early learning center holding a type III license that intends to change its license type at any time during the following calendar year shall notify the Licensing Division of its intent to change license type no later than December first of the preceding year.~~

~~B~~A. To change license type, an early learning center shall submit a written request to change its license type and a $25 change fee ~~to the~~ using the department's online electronic system ~~Licensing Division~~.

~~C~~B. Upon receipt of the written request and fee, and verification of substantial compliance with the applicable licensing regulations, the Licensing Division shall issue a replacement license of the new type to the center and the center shall surrender its existing license to the Licensing Division.

§907. Notification of Temporary or Permanent Closure

A. A center shall notify the Licensing Division in writing of a temporary closure (closure of more than ~~14~~ 5 calendar days, but less than 30 calendar days) within one day of closure of the center.

B. …

§1307. Appeal of Denial, Revocation or Refusal to Renew

A. A center has ~~30~~15 calendar days to request an appeal of the denial of its application for licensure and 15 calendar days to request an appeal of the revocation of or the refusal to renew its license.

B. The Licensing Division must receive a written request for an appeal within ~~30~~15 calendar days of the center's receipt of notice of the denial of its application and within 15 calendar days of the center's receipt of notice of revocation of or refusal to renew its license.

C. - H. …

§1507. Daily Attendance Records

A. - B.3. …

C. Independent Contractors. A daily attendance record for all extracurricular personnel, therapeutic professionals and other independent contractors, to include the first and last name of contractor, date of visit, arrival and departure times, name of staff member that accompanied contractor, and purpose of the visit.

D. - E. …

F. Daily attendance records shall be maintained onsite for three years.

§1509. Policies

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

A.1. - A.8.c.4. …

9. electronic devices policy that provides that all activities involving electronic devices, including but not limited to television, movies, games, videos, computers and hand held electronic devices, shall adhere to the following limitations:

A.9.a. …

b. time allowed for electronic device activities for children ages two and above shall not exceed ~~two~~ one hour~~s~~ per day;

A.10. - A.12.d. …

§1511. Procedures

A. An early learning center shall establish in writing and implement procedures for:

1. physical activity:

a. children under age two shall be provided time and space for age appropriate physical activity both indoor and outdoor, weather permitting, for a minimum of 60 minutes per day;

b. children age two and older shall be provided a minimum of 60 minutes of physical activity both indoor and outdoor, weather permitting, per day that includes a combination of both teacher led and free play;

A.2. - A.3. …

§1707. Required Staff

A. Director or Director Designee. Each center shall have a qualified director or qualified director designee.

1. The director or director designee shall be an on-site, full-time staff person at the center during the daytime hours of operation (prior to 9 p.m.). When the director is not an on-site full-time employee at the licensed location, there shall be a qualified director designee who is an on-site full-time employee at the licensed location.

A.2. ….

B. Staff-in-Charge. When the director or director designee is not on the premises due to a temporary absence of less than 11 days, or during nighttime care hours, there shall be an individual appointed as staff-in-charge.

B.1. - C. …

D. Staff

D.1. - D.2. …

~~3. In type I centers only, a person age 16 may be included in the child-to-staff ratios if the person works under the direct supervision of an adult staff member.~~

§1709. Director Qualifications

A. The director/director designee shall be at least 21 years of age.

B. The director/director designee shall have documentation of at least one of the following upon date of hire as director or director designee:

~~1. a bachelor's degree from an accredited college or university with at least 12 credit hours of child development or early childhood education or elementary education or a related field, and one year of experience in a licensed early learning center or comparable setting, subject to approval by the Licensing Division;~~

~~2. an associate of arts degree in child development or a closely related area, and one year of experience in a licensed early learning center, or comparable setting, subject to approval by the Licensing Division;~~

1. an early childhood ancillary certificate and one year of experience in teaching or care in a licensed early learning center, or comparable setting, subject to the approval by the department;

~~3~~2. a national administrator credential and one year experience in teaching or care in a licensed early learning center, or comparable setting, plus 6 credit hours ~~in child care, child development or early childhood~~ or 90 clock hours of training in child care, child development, ~~or~~ early childhood or management/administration, subject to approval by the Licensing Division; or

~~4. a child development associate credential (CDA) and one year of experience in a licensed early learning center, or comparable setting, subject to approval by the Licensing Division;~~

~~5. a diploma from a post-secondary technical early childhood education training program approved by the Board of Regents or correspondence course approved by the Licensing Division and one year of experience in a licensed early learning center, or comparable setting, subject to approval by the Licensing Division; or~~

~~6~~3. three years of experience as a director or staff in a licensed early learning center, or comparable setting, subject to approval by the Licensing Division; plus 6 credit hours ~~in child care, child development or early childhood education,~~ or 90 clock hours of training in child care, child ~~care~~ development, ~~or~~ early childhood, or management/administration approved by the licensing division. ~~Up to 3 credit hours or 45 clock hours may be in management/administration education.~~

C. A director who was qualified on the director's date of hire remains qualified while employed at the same center.

§1711. Child-to-Staff Minimum Ratios

A. - D. …

E. Future Minimum Child to Staff Ratios for Two-Year-Olds in Type I, Type II and Type III Centers. If the Louisiana Child Care Assistance Program subsidy rate reaches the 75 percentile of the ~~2012~~ 2017 Louisiana market rate survey rate for weekday care for toddlers by December 1, ~~2015~~2018, the child to staff ratios for two-year-olds shall decrease to 10:1 as of July 1, ~~2016~~2019.

F. Minimum Child to Staff Ratios for Type I Centers shall be the following until July 1, 2019, at which time minimum child to staff ratios for Type I Centers shall be the same as those provided for Type II and Type III Centers in Subsection D of this Section and this Subsection F shall no longer be in effect.

Ages of Children	Ratio
Infants under 1 year	6:1
1 year	8:1
2 years	12:1
3 years	14:1
4 years	16:1
5 years	20:1
6 years and up	25:1

G. - M. …

N. Maximum Group Size

N.1. …

2. Type I maximum group size shall be the following until July 1, 2019, at which time maximum group size for Type I Centers shall be the same as those provided for Type II and Type III Centers in Paragraph 1 of this Subsection, and this Paragraph 2 shall no longer be in effect.

Age of Children	Maximum Group Size
Infants under 1 year	18
1 year	24
2 years	24
3 years	28
4 years	32
5 years	40
6 years and up	50

§1715. Staff Records and Personnel Files

A. Staff Members. Personnel files for each staff member shall be maintained at the center and shall include the following:

1. an application or staff information form containing the following information: name, date of birth, home address and phone number, training, work experience, educational background, ~~and~~ hire date, and first day onsite working with children;

A.2. - B. …

§1717. Records for Independent Contractors and Student Trainees

A. Independent Contractors. The following information shall be maintained for all independent contractors, including but not limited to therapeutic professionals, extracurricular personnel, contracted transportation drivers, ~~Department of Education, Office of Early Childhood staff and~~ local school district staff, and department staff other than those responsible for inspecting centers:

A.1. - C. …

§1721. Continuing Education

A. - C. …

D. Continuing education hours shall be in the areas of:

D.1. - D.10. …

11. management/administrative education; ~~and~~ or

D.12. - H. …

§1723. CPR and First Aid Certifications

A. Infant and child CPR. Fifty percent of staff members on the premises of a center and accessible to children, or at least four staff on the premises and accessible to children, whichever is less, shall have current certification in infant and child CPR through training approved by the department.

B. Adult CPR. Fifty percent of staff members on the premises of a center and accessible to children, or at least four staff on the premises and accessible to children, whichever is less, shall have current certification in adult CPR through training approved by the department.

C. Pediatric First Aid. Fifty percent of staff members on the premises of a center and accessible to children, or at least four staff on the premises and accessible to children, whichever is less, shall have current certification in pediatric first aid through training approved by the department.

D. When a center has more than one building, each building shall have at least one staff member present at all times certified in the CPR and First Aid appropriate for the age of the children present in the building.

~~D~~E. Certification. A copy of the certification for each such staff member shall be on-site at all times and available for inspection by the Licensing Division.

~~E~~F. First Responder. Staff members who maintain current certification as a first responder are considered to have current certification in CPR and pediatric first aid.

§1725. Medication Management Training

A. …

B. Whether the center is administering medication or not, each early learning center shall have at least two staff members trained in medication administration on the premises. A staff member who is a licensed practical nurse (LPN) or registered nurse (RN) with a valid nursing license shall be considered to have medication administration training.

C. …

~~D. A licensed practical nurse (LPN) or registered nurse (RN) with a valid nursing license shall be considered to have medication administration training.~~

§1806. Types of CCCBC-based Determinations of Eligibility for Child Care Purposes.

A. There are two types of CCCBC-based determinations of eligibility for child care purposes:

1. "Owner/director/director designee" determinations of eligibility are required for owners, directors and director designees; and

2. "Child care staff member" determinations of eligibility are required for volunteers, staff, visitors, contractors and other persons providing services in child care centers when children are present.

C. A person with an "owner/director/director designee" determination of eligibility also has a "child care staff member" determination of eligibility.

D. A person with a "child care staff member" determination of eligibility does not have an "owner/director/director designee" determination of eligibility.

1. For a person with a "child care staff member" determination of eligibility, a center must obtain an "owner/director/director designee" determination of eligibility before that person can become an owner, director or director designee of the center.

2. To obtain a "owner/director/director designee" determination of eligibility for a person with a valid "child care staff member" determination of eligibility, the center must request the subsequent determination from the department.

§1919. Food Service and Nutrition

A. All meals and snacks provided by the center, and their preparation, service and storage, shall meet the requirements for meals of the U.S. Department of Agriculture (USDA) Child and Adult Care Food Program (CACFP) and 7 CFR 226.20 and the *Louisiana Sanitary Code*, Title 51, Part XXIII, found at LAC 51:XXXIII. For the current CACFP meal patterns, contact the ~~Louisiana Department of Education, Division of Nutrition Support~~ department's CACFP section.

B. - D.5. …

E. Parents shall be allowed to provide breast milk or provided space to breastfeed their child on site.

F. - J. …

§1921. Emergency Preparedness and Evacuation Planning

A. - B. …

C. Evacuation Pack. The center shall have an evacuation pack, the location of which is known to all staff, that at a minimum shall contain:

C.1. - C.5. …

6. a battery powered flashlight and radio and batteries or a crank flashlight and crank radio;

C.7. - E. …

NOTE: The words "Licensing Division" will be changed to "department" throughout Bulletin 137.