§505. Prohibitions — REPEAL ENTIRE SECTION

§507. Criminal Background Checks for Owners — REPEAL ENTIRE SECTION

§509. State Central Registry Disclosure Forms for Owners — REPEAL ENTIRE SECTION

§1703. Criminal Background Checks for Volunteers, Staff, Visitors and Independent Contractors — REPEAL ENTIRE SECTION

§1705. State Central Registry Disclosure Forms for Volunteers and Staff — REPEAL ENTIRE SECTION

§103. Definitions

**Bus Monitors** - staff with specific transportation-related responsibilities that include assisting the driver in ensuring the safety of children while they ride in, board, or exit a vehicle, and during transportation emergencies.

**CCCBC** - child care criminal background check

**Child Care Criminal Background Check (CCCBC)** - information received by the Department upon request for information pursuant to requirements set forth in La. R.S. 17:407.42, 45 C.F.R 98.43(b), and Chapter 18 of this Bulletin.

**Child Care Purposes** - for early learning centers, child care purposes are owning, operating or participating in the governance of an early learning center, being hired by an early learning center as a volunteer, staff member, employee or independent contractor of any kind, or being present at an early learning center when not exempt from the requirement for a CCCBC-based determination of eligibility for child care purposes.

**Criminal Background Check (CBC)** - a certified copy of the fingerprint-based personal Louisiana criminal history information record for owners, applicants for employment, staff, volunteers, visitors, and independent contractors who will be performing services at an early learning center when children are present, obtained from the Louisiana Bureau of Criminal Identification and Information pursuant to La. R.S. 17:407.42, prior to March 1, 2018. A CBC is satisfactory if it shows no arrests for any crime included in La. R.S. 15:587.1(C), or if an arrest is shown on the CBC for any excludable offense, the CBC or documentation from the jurisdiction of arrest affirmatively shows that the charges were disposed of without a conviction. A plea of guilty or nolo contendere shall be deemed to be a conviction. Valid CBC affidavits and CBC annual letters that were issued prior to March 1, 2018 for the 2017-2018 school year, shall be accepted as documentation of a satisfactory CBC.

**Determination of Eligibility** - determination by the Department of a person’s eligibility for child care purposes based on the results of a child care criminal background check (CCCBC).

**Monitor** - See **Bus Monitors** or **Monitor of Provisionally Employed Staff Member**.

**Monitor of a Provisionally Employed Staff Member** - an adult staff member for whom a center has a CCCBC-based determination of eligibility for child care purposes (or prior to October 1, 2018, a satisfactory CBC), who is designated by the center to monitor a specific person or persons who are provisionally employed staff members at the center.

**Provisionally Employed Staff Member** - a person for whom the center has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the Department has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, who is temporarily employed and monitored by the center pending the Department’s receipt of the other CCCBC results and determination of the person’s eligibility for child care purposes.

**Right to Review (RTR)** - a certified copy of an individual’s personal criminal history information record obtained by the individual from the Louisiana Bureau of Criminal Identification and Information pursuant to R.S. 15:588

§701. Initial Application Process

E. 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:

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

8. satisfactory criminal background check **CCCBC-based determination of eligibility for child care purposes from the Department for all owners, operators, and staff** — and

9. completed state central registry disclosure forms for all owners, operators, and staff indicating no justified (valid) finding of abuse and/or neglect, or documentation from DCFS indicating that the owner, operator, or staff person does not pose a risk to children.

§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.
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:

   d. Office of Early Childhood approval, if type III center; and
   e. documentation of a satisfactory fingerprint CCCBC-based determination of eligibility for child care purposes from the Department for all staff not previously provided; and
   f. documentation of a completed state central registry disclosure form noting indicating no justified (valid) finding of abuse and/or neglect of a child or a finding from DCFS that the person does not pose a risk to children for all staff not previously provided.

§705. Access

A. An early learning center shall allow the Licensing Division staff access to the center, the children, and all files, records and recordings, upon request at any time during any hours of operation or any time a child is present.

§707. Fees

A. All fees shall be paid by money order, certified check, government check, or electronic payment where available, and are non-refundable. Payments shall be made to the Louisiana Department of Education, Licensing Division through its electronic payment system and are nonrefundable.

§713. Renewal and Other Inspection Procedures

D. Licensing Deficiency Review

1. Managerial Review

   a. A center may submit a written request to the Licensing Division, on a form provided by the Licensing Division, for a managerial review of the accuracy of a cited deficiency or the accuracy of a statement within a cited deficiency. The written request for a managerial review must be received by the Licensing Division within 10 calendar days of the center’s receipt of the cited deficiency.
   b. Management will review and respond in writing to the written request within 10 calendar days of receipt of the request.

2. Second Request for Review

   a. If the cited deficiency is upheld in the managerial review, the provider may submit a written request for a second review of the deficiency within 10 calendar days of receipt of the written response the managerial review.
   b. All information to be considered in the second review must be submitted in writing.
   c. A licensing review panel will review the cited deficiency and provide a written response to the center within 10 calendar days of receipt of second request for review.

§1105. Identified Violations and Fines

A. For violations related to the following licensing standards, when such violation does not pose an imminent threat to the health, safety, rights, or welfare of a child, the Licensing Division may issue a written warning in lieu of revoking or refusing to renew the license:

   2. criminal history records check - CCCBC-based determination of eligibility for child care purposes (§507, §1703, §1807);
   3. state central registry disclosure (§509, §1705);
   4. child to staff ratios (§1711);
   §4. motor vehicle passenger checks (§2107); and
   §6. failure to report critical incidents (§1103).

§1301. Reasons for Denial, Revocation or Refusal to Renew

A. The following is an illustrative, but not exclusive, list of reasons that an application for licensure may be denied or a license may be revoked or renewal refused:

   15. any act of fraud, such as the submission of false or altered documents or information; and
16. the center is closed and there are no plans for immediate reopening and no means of verifying compliance with licensing laws, regulations and minimum standards;
17. the center knowingly continues to employ or allow to be present at the center or on the center premises, a person who is ineligible for child care purposes; and
18. the owner of a center is ineligible for child care purposes and does not immediately leave the center and center premises, or returns to the center or center premises at any time when children are present, or fails to divest ownership of the center or close the center within 30 calendar days of the owner’s knowledge of his/her ineligibility for child care purposes.

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

C. A center may continue to operate during the appeals unless the Licensing Division determines that the health, safety or welfare of children in care imperatively requires immediate closure of the center and incorporates that finding in its notice of revocation.

1. If a center with a revoked license is continuing to operate during its appeals process, and the Licensing Division determines that the health, safety, or welfare of the children in care is at risk due to continuing violations of licensing standards and minimum requirements or the occurrence of a critical incident, the Licensing Division may require immediate closure of the center by providing written notice of required immediate closure that includes notice of the continuing violations of licensing standards and minimum requirements or the occurrence of a critical incident. There shall be no appeal of the required immediate closure, but the appeal of the revocation of the license shall continue. If the decision to revoke the center’s license is not upheld in the pending appeal, the center may reopen upon receipt of notice of such a decision.

§1509. Policies

A. An early learning center shall establish in writing and implement the following policies and minimum provisions of such policies:

12. monitoring policy for provisionally employed staff members:
   a. each center shall develop and implement a written policy describing the monitoring procedures that shall be used at the center when staff members are employed on a provisional basis due to an incomplete CCCBC-based determination of eligibility for child care purposes.
   b. The monitoring policy shall include all requirements for the monitoring of provisionally employed staff members set forth in §1811.D.
   c. the center shall post a copy of the policy in the center in a place visible to all parents and staff.
   d. the center shall provide copies of the written policy to each parent/legal custodian of enrolled children, center staff member and provisionally employed staff member, and the center shall obtain signed documentation from each that a copy of the policy has been received.

§1515. Child Records and Cumulative Files

E. An early learning center shall provide a written copy of all health-related policies established by the center, including policies regarding accidents, allergic reactions, fever, illness, immunizations, infection, and injuries, to the parent or guardian of each child attending or enrolled the early learning center.

§1709. Director Qualifications

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

6. 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 approved by the Licensing Division. Up to 3 credit hours or 45 clock hours may be in management/administration education.

§1711. Child to Staff Minimum Ratios

H. Rest Time—Minimum Child to Staff Ratios
1. Sufficient staffing needed to satisfy child to staff ratios shall be present on the premises during rest time and available to assist as needed.
2. Children ages one and older may be grouped together at rest time with one staff member in each room supervising the resting children. If two rooms share a common doorway, one staff member may supervise the resting children in both rooms.
3. If the view of the staff supervising the children is obstructed by an object such as a low shelving unit, children shall be checked by sight by staff circulating among the resting children.

§1713. Supervision

    * * * *

J. Rest Time

1. If two rooms share a common doorway, one staff member may supervise the resting children in both rooms.
2. If the view of the staff supervising the children is obstructed by an object such as a low shelving unit, children shall be checked by sight by staff circulating among the resting children.

§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:
   * * * *
   3. upon termination or resignation of employment, the last date of employment and reason for leaving; and
   4. documentation of a CCCBC-based determination of eligibility for child care purposes from the Department; fingerprint based satisfactory criminal background check; and
   5. documentation of a current, completed state central registry disclosure form indicating no justified (valid) finding of abuse or neglect by the DCFS, or a current determination from the DCFS indicating that the individual does not pose a risk to children.

§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:
   * * * *
   3. documentation of a fingerprint based satisfactory criminal background check dated prior to the individual being present at the center; CCCBC-based determination of eligibility for child care purposes from the Department; documentation of the paid, adult staff member not otherwise counted in child to staff ratios that accompanied the contractor at all times while the contractor was on the premises center when children were present, to include the date, contractor arrival and departure time, language stating that the contractor was accompanied by the staff member at all times while on the premises center when children were present, and the signature of both the contractor and the accompanying staff member.

B. Student Trainees. The following information shall be maintained for all student trainees:
   * * * *
   2. a list of duties performed while present at the center; and
   3. documentation of a CCCBC-based determination of eligibility for child care purposes from the Department.

§1721. Continuing Education

A. Early learning centers shall provide opportunities for continuing education of staff members who are left alone with children, or who have supervisory or disciplinary authority over children.

1. Such staff members of type II and type III early learning centers, excluding foster grandparents, shall obtain a minimum of 12 clock hours of continuing education per center anniversary year.

2. Such staff members of type I centers, excluding foster grandparents, shall obtain a minimum of three clock hours of continuing education per center anniversary year.
   a. Beginning July 1, 2015, such staff members of type I centers, excluding foster grandparents, shall obtain a minimum of 6 clock hours of continuing education per center anniversary year.
   b. Beginning July 1, 2016, such staff members of type I centers, excluding foster grandparents, shall obtain a minimum of 9 clock hours of continuing education per center anniversary year.
   c. Beginning July 1, 2017, such staff members of type I centers, excluding foster grandparents, shall obtain a minimum of 12 clock hours of continuing education per center anniversary year.
   * * * *

D. Continuing education hours shall be in the areas of:
10. first aid; and

11. management/administrative education; and

12. College Credit hours in child care, child development, and/or early childhood education.

H. Copies of certificates of completion or transcripts, attendance records, shall be maintained at the center and available for inspection by the Licensing Division upon request.

§1723. CPR and First Aid Certifications

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, except for type I centers, which shall have at least one staff member on the premises and accessible to children trained in adult CPR if there is a child eight years or older on the premises. Beginning on July 1, 2016, type I centers shall have 50 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, certified in adult CPR.

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. Beginning on July 1, 2016, this Subsection shall apply to type I centers.

§1725. Medication Management Training

E. Beginning on July 1, 2016, this Section shall apply to type I centers.

CHAPTER 18: CHILD CARE CRIMINAL BACKGROUND CHECKS (CCCBC)

§1801. Prohibition

A. No person who has been found by the Department to be ineligible for child care purposes shall own, operate or participate in the governance of an early learning center, or shall be employed by an early learning center as a volunteer, staff member, employee or independent contractor of any kind, or shall be employed by an entity identified in §1809 as an employee or contract employee that provides services in early learning centers when children are present.

§1803. Determination of Eligibility

A. The Department shall determine a person’s eligibility for child care purposes based upon the results of the person’s CCCBC.

B. Components of a CCCBC. A CCCBC shall include:

1. A request for a fingerprint-based search of the Louisiana criminal history information record;

2. A request for a fingerprint-based search of the Federal criminal history information record;

3. A request to DCFS to search the Louisiana State Central Registry of Child Abuse and Neglect;

4. A search of the Louisiana Sex Offender and Child Predator Registry;

5. A search of the National Sex Offender registry, as required by 45 C.F.R. 98.43(b)(2); and

6. A request for a search of the name-based state criminal history information record, state sex offender registry, and state registry of child abuse and neglect in each state where the person resided in the past five years, as required by 45 C.F.R. 98.43.43(b)(3).

C. The Department shall determine that a person is either eligible or ineligible for child care purposes.

D. The Department shall provide written notice of a CCCBC-based determination of eligibility for child care purposes in the following manner:

1. To the requesting early learning center or entity identified in §1809, the determination that the person is eligible or ineligible for child care purposes only, without revealing any disqualifying crime or other related information regarding the person; and

2. To the person for whom the early learning center or entity identified in §1809 requested the determination, the determination that the person is eligible or ineligible for child care purposes; and if the person is ineligible for child care purposes, information related to each disqualifying crime or other related information regarding the person, and information about the opportunity to appeal the accuracy or completeness of the CCCBC results received by the Department and used in the determination of eligibility.
§1805. Persons Ineligible for Child Care Purposes

A. A person shall be ineligible for child care purposes if the person:

1. refuses to consent to a CCCBC-based determination of eligibility for child care purposes;

2. knowingly makes a materially false or incomplete statement in connection with the CCCBC-based determination of eligibility for child care purposes;

3. has been convicted of or plead guilty or nolo contendere to any of the crimes listed in La. R.S. 15:587.1(C), or those of a jurisdiction other than Louisiana which would constitute a crime under the provisions cited in La. R.S. 15:587.1(C); or

4. is registered or required to be registered on the Louisiana Sex Offender and Child Predator Registry, any other state sex offender registry, or the National Sex Offender Registry.

B. A person shall also be ineligible for child care purposes if upon the Department’s written request to DCFS after March 1, 2018, for information as to whether a person’s name is on the State Central Registry within DCFS, the Department receives written notice from DCFS that the person’s name is recorded on the State Central Registry as a perpetrator for a justified finding of child abuse or neglect.

1. Until the required written notice is received from DCFS indicating that a person’s name is recorded on the State Central Registry as a perpetrator for a justified finding of child abuse or neglect, the Department shall not withhold a determination that a person is eligible for child care purposes, unless the results of some other component of the CCCBC require a determination of ineligibility.

C. A person may also be ineligible for child care purposes if upon the Department’s request for information from another state, the Department receives from the state written notice that the person’s name is recorded on that state’s registry or repository of child abuse and neglect as having a finding of child abuse or neglect or written notice that the person is ineligible for child care purposes.


§1807. CCCBC-Based Determinations of Eligibility for Child Care Purposes Required for Owners, Volunteers, Staff, Visitors and Contractors of Early Learning Centers

A. Owners. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the Department for each owner prior to submitting an initial application for licensure and shall provide documentation of said determination for each owner with an initial application for licensure. The center shall have documentation of said determinations available at all times for inspection upon request by the Licensing Division.

1. New members or owners. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the Department for new members or owners that are to be added to a partnership, church, corporation, limited liability company or governmental entity, even if such change does not constitute a change in ownership for licensing purposes, in the same manner as for original owners and members.

2. Affidavit. If a person owns less than a 25 percent share in the ownership or management of an early learning center and does not meet one or more of the criteria listed in §503.A.5.b, said person may submit a signed, notarized affidavit to the center in lieu of providing a CCCBC-based determination of eligibility. The affidavit shall certify that the person has less than a 25 percent share in the ownership or management of the center and does not meet any of the criteria listed in §503.A.5.b.

B. Volunteers and Staff. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the Department for each volunteer, staff member, or employee of any kind, and shall have documentation of said determination available at all times for inspection upon request by the Licensing Division.

C. Visitors and Contractors. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the Department for each visitor or independent contractor of any kind, and shall have documentation of said determination available at all times for inspection upon request by the Licensing Division, unless the visitor or independent contractor, other than therapeutic professionals as defined in §103, will be accompanied at all times while at the center when children are present, by an adult staff member who is not being counted in child-to-staff ratios. The center shall have documentation of said determination of eligibility, or documentation of the accompanying staff member, available at all times for inspection upon request by the Licensing Division.

1. Documentation of the adult staff member not otherwise counted in child to staff ratios who accompanied a visitor or independent contractor shall include the date, arrival and departure time of the visitor or contractor,
language stating that the visitor or contractor was accompanied by the staff member at all times while at the center when children were present, and the signature of both the contractor and the accompanying staff member.

D. Parents or Legal Custodians, Grandparents, Siblings
   1. Parents or legal custodians of an enrolled child, or other persons authorized in writing by the parents to pick up their child, who are only bringing a child to or picking up a child from an early learning center are not required to have a CCCBC-based determination of eligibility for child care purposes.
   2. Parents or legal custodians, grandparents, siblings and other relatives of an enrolled child who are attending a function at the center where center staff will be present and supervising all children are not required to have a CCCBC-based determination of eligibility for child care purposes.

E. Court-Appointed Special Advocate. A court-appointed special advocate (CASA volunteer) shall submit to an early learning center his or her CASA volunteer order of assignment that is signed by a juvenile court judge and the CASA volunteer, and it shall be accepted by the center as documentation of eligibility for child care purposes for the CASA volunteer pursuant to Louisiana Children’s Code Art. 424.1(D).

§1809. CCCBC-Based Determinations of Eligibility for Child Care Purposes Required for Persons Providing Services in Early Learning Centers.
   A. The following entities shall obtain a CCCBC-based determination of eligibility for child care purposes from the Department for any of their employees or contract employees that provide services in early learning centers when children are present:
      1. local educational agencies that provide services to children in early learning centers, for their school and contract employees who provide these services in early learning centers;
      2. resource and referral agencies that are approved by BESE and under contract with the Department to provide services to early learning center employees, for their employees and contract employees that provide these services in early learning centers;
      3. entities approved by BESE and under contract with the Department to provide state mental health consultations in early learning centers, for their employees and contract employees providing these services in early learning centers;
      4. teacher preparation programs approved by BESE, for their employees, contract employees and enrolled students that are required to be present in early learning centers;
      5. lead agencies approved by BESE and under contract with the Department to provide services in early learning centers, for their employees and contract employees providing these services in early learning centers;
      6. Louisiana Department of Health, which provides IDEA, Part C services for children in early learning centers, for its employees and contract employees providing these services in early learning centers;
      7. third party contractors approved by BESE and under contract with the Department to provide services in early learning centers, for their employees and contract employees providing these services in early learning centers;
      8. entities approved by the Department that provide services in early learning centers, for owners and employees of the entity providing services in early learning centers; and
      9. the Department, which provides services in early learning centers, for its employees and contract employees providing services in early learning centers.
   B. Each entity shall have documentation for each required person in Subsection A that allows an early learning center to verify the person’s CCCBC-based determination of eligibility for child care purposes.
   C. Persons approved by the Department who provide services in early learning centers shall obtain a CCCBC-based determination of eligibility for child care purposes from the Department.

§1811. Requests for CCCBC-Based Determinations of Eligibility for Child Care Purposes from the Department
   A. An early learning center or an entity identified in §1809 shall request and obtain from the Department a new CCCBC-based determination of eligibility for child care purposes for each required person:
      1. prior to the person being present or performing services at the center when children are present; and
      2. not less than once during a five year period.
   B. An early learning center or an entity identified in §1809 shall not be required to request and obtain from the Department a new CCCBC-based determination of eligibility for child care purposes for a required person, and instead shall be able to request and obtain from the Department the person’s CCCBC-based determination of eligibility provided to another in-state child care provider or entity identified in §1809, if:
      1. a child care provider within the state or an entity requested and obtained a CCCBC-based determination of eligibility for child care purposes from the Department for the person within the past five years, while the person was seeking employment or employed by a in-state child care provider or seeking to provide or providing services at an early learning center in Louisiana for an entity;
2. the Department provided to the initial requesting child care provider or entity a CCCBC-based determination indicating the person was eligible for child care purposes; and
3. the person is still employed by a child care provider within the State, or is still providing services in an early learning center within the State for an entity, or has been separated from a child care provider within the State or an entity for less than 180 consecutive days.

C. Electronic fingerprints shall be used in parishes where they are available.

D. Provisional Employment for staff members of Early Learning Centers
1. A center may provisionally employ as a staff member, a person for whom it has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the Department has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, pending the Department’s receipt of the other CCCBC results and determination of the person’s eligibility for child care purposes.
2. A provisionally employed staff member may be counted in child to staff ratios, but must be monitored at all times in accordance with the following:
   a. A monitor of a provisionally employed staff member must be an adult staff member for whom the center has a CCCBC-based determination of eligibility for child care purposes, (or prior to October 1, 2018, a satisfactory CBC), who is designated by the center to monitor a specific provisionally employed staff member.
   b. The center must designate a monitor for each provisionally employed staff member present at the center.
   c. The monitor shall be physically present at the center at all times when the provisionally employed staff member is present at the center.
   d. Monitors must remain within close enough physical proximity of their designated provisionally employed staff members to be able intervene at any time if intervention is needed.
   e. A monitor shall perform at least one visual observation of each designated provisionally employed staff member every 30 minutes.
   f. The center may designate one monitor for up to a maximum of five provisionally employed staff members at any given time.
   g. At least one monitor must be physically present at all times in any room during naptimes if a provisionally employed staff member is present.
3. The center shall have a log or other written documentation of the monitoring of provisionally employed staff members that identifies each provisionally employed staff member, the designated monitor for each, and the times of the visual observations.

§1813. Transitional Provisions for Newly Required CCCBC-Based Determinations of Eligibility
A. CBCs and CCCBCs.
1. Prior to March 1, 2018, an early learning center was required to obtain a Criminal Background Check (CBC) from the Louisiana Bureau for all owners, volunteers, staff members, employees, and independent contractors of any kind, and entities identified in §1809 were required to obtain either a Right to Review or a CBC for any of their employees and contract employees that provided services in early learning centers when children were present.
2. Effective March 1, 2018, an early learning center must obtain a Child Care Criminal Background Check (CCCBC)-based determination of eligibility for child care purposes from the Department for all owners, volunteers, staff members, employees, and independent contractors of any kind, and an entity identified in §1809 must obtain a CCCBC-based determination of eligibility for child care purposes from the Department for any of its employees and contract employees that provide services in early learning centers when children are present.

B. New Hires and Others for whom a Center or an Entity Identified in §1809 Does Not Have an Existing Satisfactory CBC on March 1, 2018
1. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the Department for each owner, operator, volunteer, staff member, employee, visitor and independent contractor, and applicants for such positions, for whom the center does not have a satisfactory Criminal Background Check on March 1, 2018, prior to the person being present or performing services in the center when children are present.
2. An entity identified in §1809 shall obtain a new CCCBC-based determination of eligibility for child care purposes from the Department for each employee and contract employee who provides services in early learning centers when children are present for whom the entity does not have a satisfactory CBC on March 1, 2018, prior to the person being present or performing services at an early learning center when children are present.
C. Existing Owners, Staff and Others for whom an Early Learning Center Has an Existing Satisfactory CBC on March 1, 2018.
   1. An early learning center that has an existing satisfactory CBC on March 1, 2018, for persons who are continuing to provide services at the center, shall be required to request a new CCCBC-based determination of eligibility for child care purposes from the Department for such persons by submitting a request to the Department and having the person for whom it is requested submit fingerprints to the Louisiana Bureau within the following time periods and categories:
      a. Between April 1 and May 31, 2018 - for all owners, operators, directors, director designees and staff in charge of any early learning center;
      b. Between May 1 and June 30, 2018 - for any volunteers and staff members employed at the center for five or more years;
      c. Between June 1 and July 31, 2018 - for any volunteers and staff members employed at the center between two and five years, and all visitors and independent contractors, including those independent contractors with CBC affidavits and CBC annual letters issued prior to March 1, 2018 for the 2017-2018 school year;
      d. Between July 1 and August 31, 2018 - for any volunteers and staff members employed at the center for two years or less.

   2. A center’s existing, satisfactory CBC on March 1, 2018, for a person who is continuing to provide services to the center, shall remain valid until the center receives the new CCCBC-based determination of eligibility for child care purposes for the person or until October 1, 2018, whichever is earlier, provided the center has timely submitted a request to the Department for a new determination of eligibility and the person for whom it was requested has timely submitted his fingerprints to the Louisiana Bureau.

D. Existing Employees and Contract Employees for whom an Entity Identified in §1809 has an Existing Satisfactory CBC on March 1, 2018.
   1. An entity identified in §1809 that has an existing satisfactory CBC on March 1, 2018 for persons who are continuing to provide services in early learning centers when children are present, shall be required to request new CCCBC-based determination of eligibility for child care purposes from the Department for such persons by submitting a request to the Department between June 1, 2018 and July 31, 2018.

   2. An entity’s existing, satisfactory CBC on March 1, 2018, for a person who is continuing to provide services in early learning centers when children are present, shall remain valid until the entity receives the new CCCBC-based determination of eligibility for child care purposes for the person or until October 1, 2018, whichever is earlier, provided the entity has timely submitted a request to the Department for a determination of eligibility and the person for whom it was requested has timely submitted his fingerprints to the Louisiana Bureau.

§1815. Fees for CCCBC-Based Determinations of Eligibility for Child Care Purposes
   A. All fees required to be paid to the Louisiana Department of Education shall be paid through its electronic payment system and are nonrefundable.

   B. A fee in the amount of $40, plus an additional $15 for each state in which the person for whom the determination is being requested has resided in the past five years, shall be submitted by a center or an entity identified in §1809 to the Department with each request for a CCCBC-based determination of eligibility for child care purposes, which fee is composed of the following:
      1. $15 for the Department’s administrative costs, pursuant to La. R.S. 17:407.42(B)(3); and
      2. $25 for DCFS for a search of the Louisiana State Central Registry of Child Abuse and Neglect, pursuant to La. Children’s Code Art. 616(H); and
      3. $15 per state for record searches in any other state in which the person has resided during the past five years, pursuant to La. R.S. 17:407.42(B)(3).

§1817. Reporting Requirements
   A. An early learning center or an entity identified in §1809 shall provide written notice to the Licensing Division within 24 hours of receipt of notice of, or upon becoming aware of, any of the occurrences listed in Subsection A for an owner, volunteer, staff member, employee or independent contractor of the early learning center, or an employee or contract employee of an entity identified in §1809 that provides services in early learning centers when children are present:
      1. final conviction or a plea of nolo contendere to any of the crimes listed in La. R.S. 15:587.1(C), or those of a jurisdiction other than Louisiana which would constitute a crime under the provisions cited in La. R.S. 15:587.1(C);
2. becoming registered or required to register on the Louisiana Sex Offender and Child Predator Registry, any other state sex offender registry, or the National Sex Offender Registry; or
3. having name recorded on the Louisiana State Central Registry of Child Abuse and Neglect or any other state registry of child abuse and neglect.

§1819. Termination of Employment and Removal from Center and Premises
A. Early Learning Center. Upon receipt of notice from the Department that a person is ineligible for child care purposes, for an employee, volunteer, staff member or independent contractor of an early learning center, the center shall immediately remove the person from the center and center premises, and if the person is employed by the center, terminate the employment of the person.
B. Owner of Early Learning Centers. Upon receipt of notice from the Department that he or she is ineligible for child care purposes, the owner of a center shall immediately leave the center and premises and shall not return to the center or premises at any time when children are present, and shall divest of ownership of the center, or close the center, within 30 calendar days of receipt of said notice.
C. Entity Identified § 1809. Upon receipt of notice from the Department that a person is ineligible for child care purposes, for an employee or contract employee of an entity identified in §1809 that provides services in early learning centers when children are present, the entity shall immediately notify any early learning center at which the employee or contract employee is providing services and shall prohibit the employee from providing future services on the entity’s behalf in any early learning centers.

§1821. Appeal of Accuracy or Completeness of CCCBC Results
A. A person who has received a notice of ineligibility (NOI) for child care purposes from the Department may appeal the accuracy or completeness of the CCCBC results received and used by the Department to determine the person’s ineligibility.
B. A person appealing the accuracy or completeness of the CCCBC results shall remain ineligible during the appeals process.
C. Request for Appeal of Accuracy or Completion of CCCBC Results
1. A request for such an appeal must be submitted in writing to the Department, in a form provided by the Department, within 45 calendar days of the date of issuance of the NOI.
2. To be sufficient, a request for appeal:
   a. must contain written reasons that identify the specific information provided in the NOI that is believed to be inaccurate or incomplete; and
   b. should include official information and/or documentation of the accurate and/or complete information, if available.
3. Upon receipt of a request for appeal, the Department shall determine whether the request is sufficient or insufficient, and shall notify the requestor in writing accordingly.
D. Review of Appeal.
1. If the request for an appeal is sufficient, and no further information or documentation is required, the Department shall complete the review of the appeal information and/or documentation and render a final written decision within 30 calendar days of receipt of the request for appeal.
2. If the request for an appeal is sufficient, but additional information and/or documentation is required to complete the appeal, the department shall notify the requestor in writing, and the requestor shall have 45 calendar days from the date of the request to provide the information and/or documentation.
   a. If the required information and/or documentation is not received within the 45 days, the appeal may be denied for insufficiency of information and/or documentation.
   b. If the required information and/or documentation is received within 45 days, the Department shall complete the review of the appeal information and/or documentation and render a final written decision within 30 calendar days of receipt of the required information and/or documentation or receipt of required information and/or documentation requested by the Department on behalf of the requestor.
E. Result of Appeal
1. If as a result of the appeal process, the requestor’s CCCBC results are revised, and based on the revised CCCBC results, the Department determines the requestor is eligible for child care purposes, the Department shall notify the appeal requestor and the original requesting early learning center or entity identified in §1809 that the requestor is eligible for child care purposes by sending a notice of eligibility for child care purposes to both.
   a. The notice of eligibility shall be valid from the date of issuance. The expiration date shall be five years from the date the original NOI was sent to the requestor and the requesting early learning center or entity identified in §1809.
2. If the appeals process does not result in a revision of the CCCBC results, or if it results in a revision to the CCCBC results, but based on the revised results, the requestor is still ineligible for child care purposes, the Department shall notify the requestor in writing that the appeal is denied and that the determination of ineligibility remains in effect.

§1903. Physical Environment

B. Physical Separation. An early learning center, except one located in a church or school, shall be physically separated from any other facility, dwelling, business, or enterprise, thereby preventing unauthorized access to children in care.

§1907. Furnishings and Equipment

B. Eating Practices

3. Feeding. Any time feeding tables may be used at mealtimes, if children’s feet must be able to rest comfortably on a foot rest.

G. All furniture shall be developmentally appropriate.

§1909. Safe Sleep Practice

I. A safety approved crib shall be available for each infant.

§1919. Food Service and Nutrition

D. A minimum of a breakfast or morning snack, lunch, and afternoon snack shall be served to children, and meals and snacks shall be served not more than three hours apart.

4. Food shall be given to children on individual plates, cups, napkins, or paper towels, or in cups as appropriate, and individual utensils shall be provided, as appropriate.

J. Bottled formula/breast milk for infants shall be labeled with the child’s name.

§2103. Daily Transportation (Contract or Center Provided)

D. Vehicle Staff

4. At least one staff member on the vehicle and accessible to children shall have current certification in infant and child CPR.

E. Master Transportation Log

2. Each driver or bus monitor, whether provided by the center or through a contractor, shall be provided a current master transportation log.

F. Passenger Log

2. The log shall be maintained on file at the center and a copy shall be provided to the driver or bus monitor.