Bulletin 139 - La. CCDF Programs

Chapter 1. Child Care Assistance Program

§103 Definitions

**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. 17:407.71 and 45 C.F.R 98.43(b).

**Child Care Purposes** - for home-based providers, child care purposes include being a family child care provider, an adult employed in the residence or on the property of the residence or an adult living in the residence where child care is being provided by a family child care provider; being an in-home child care provider, an adult employed in the home or on the property where care is being provided by an in-home provider, or being a non-caregiver adult living in the home where care is provided by an in-home provider; or being any person present in either type of home or property when one or more children are in care and not expressly exempt from the requirements 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 obtained from the Louisiana Bureau of Criminal Identification and Information pursuant to R.S. 17:407.71. A CBC is satisfactory if it shows no arrests for any crime included in 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.

**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).

**Improper payments** - any payment that should not have been made or that was made in an incorrect amount (including underpayments or overpayments) under statutory, contractual, administrative or other legally applicable requirements; and includes any payment to an ineligible recipient, any payment for an ineligible service, any duplicate payment and any payment for a service not received.

**Special Needs Child Care** - for the purpose of CCAP daily rates, 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 Individuals with Disabilities Education Act (IDEA) or who receives supplemental security income (SSI). Incentive payments up to 26 percent higher than the regular rates can be allowed for a special needs child care. For children qualifying for the special needs child care rate, child care teachers shall be invited to participate in the IEP or IFSP team.

Chapter 3. CCAP Provider Certification

§309. Specific Certification and Registration Requirements for Family Child Care Providers

A. To be certified as a CCAP provider, in addition to the requirements in §305 of this Part, a family child care provider must meet the following requirements, which include but are not limited to the requirements for registration as a family child care provider pursuant to R.S. 17:407.61 et seq.

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6. Determination of eligibility for child care purposes. Provide documentation of a CCCBC-based determination of eligibility for child care purposes by the Department for required persons in compliance with §310 of this Bulletin:

- State Central Registry. Provide written certification that the provider, all adults employed in the residence and on the property of the residence where care is provided, and all adults living in the residence where care is provided have not been the subject of a validated finding of child abuse or neglect by completing a state central registry disclosure form.

- Louisiana Sex Offender and Child Predator Registry. Annually check Louisiana Sex Offender and Child Predator Registry to determine if the name of any of the persons required to obtain a CCCBC-based determination of eligibility for child care purposes is recorded on the registry.
Criminal Background Checks. Provide documentation of a satisfactory fingerprint based criminal background check (CBC) from the Louisiana Bureau of Criminal Identification and Information (bureau) for the provider, all adults employed in the residence and on the property of the residence where care is provided, and all adults living in the residence where care is provided.

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

b. A satisfactory CBC is one that shows no arrests for any crime listed in R.S. 5:587.1(C), or if such an arrest is shown, 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.

§310. Child Care Criminal Background Checks (CCCBCs) for Family Child Care Providers and In-Home Child Care Providers

A. Determination of Eligibility

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

2. Components of a CCCBC. A CCCBC shall include:
   a. A request for a fingerprint-based search of the Louisiana criminal history information record;
   b. A request for a fingerprint-based search of the Federal criminal history information record;
   c. A request to DCFS to search the State Central Registry of Child Abuse and Neglect;
   d. A search of the Louisiana Sex Offender and Child Predator Registry;
   e. A search of the National Sex Offender registry, as required by 45 C.F.R. 98.43(b)(2); and
   f. 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).

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

4. The Department shall provide written notice of a CCCBC-based determination of eligibility for child care purposes in the following manner:
   a. To the requesting home-based provider, 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
   b. To the person for whom the home-based provider requested the determination of eligibility, 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.

B. Persons Ineligible for Child Care Purposes

1. A person shall be ineligible for child care purposes if the person:
   a. Refuses to consent to a CCCBC-based determination of eligibility for child care purposes;
   b. Knowingly makes a materially false or incomplete statement in connection with the CCCBC-based determination of eligibility for child care purposes;
   c. Has been convicted of or plea 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
   d. Is registered or required to be registered on the Louisiana Sex Offender and Child Predator Registry, any other sex offender registry, or the National Sex Offender Registry.

2. 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.
   a. 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 person’s CCCBC require a determination of ineligibility.

3. 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.

C. Persons for Whom Home-Based Providers Are Required to Obtain a CCCBC-Based Determinations of Eligibility for Child Care Purposes

1. Family Child Care Providers. A family child care provider shall obtain a CCCBC-based determination of eligibility for child care purposes from the Department for the following required persons:
   i. the provider;
   ii. all adults employed in the residence or on the property of the residence where care is provided;
   iii. all adults living in the residence where care is provided; and
   iv. any other person in the home or on the premises when one or more children in care are present, who is not a household designee for a child in care at the home.

2. In-home Child Care Providers. An in-home child care provider shall obtain a CCCBC-based determination of eligibility for child care purposes from the Department for the following required persons:
   i. the provider;
   ii. all adults employed in the home or on the property of the home where care is provided;
   iii. all non-caregiver adults living in the home where care is provided; and
   iv. any other person in the home or on the premises when one or more children in care are present, who is not a household designee for a child in care at the home and who is not a caregiver who is exempt from the requirement of having a CCCBC-based determination of eligibility for child care purposes. Caregivers, as defined in §103 of this Bulletin, who are living in the home, are exempt from the requirement of having a CCCBC-based determination of eligibility for child care purposes.

D. Requests by Home-based Providers for CCCBC-Based Determinations of Eligibility for Child Care Purposes from the Department

1. A home-based provider shall request and obtain from the Department a new CCCBC-based determination of eligibility for child care purposes for each required person in Subsection C:
   a. prior to the home-based provider being certified as a CCAP provider;
   b. prior to the person being present at the home or on the premises of the home when children in care are present; and
   c. not less than once during a five year period.

2. A home-based provider 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 of Bulletin 137, if:
   a. a child care provider or entity within the State 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 employed with or seeking employment with that child care provider or entity; and
   b. 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
   c. the person is still employed by a child care provider or entity within the State, or has been separated from a child care provider or entity within the State for less than 180 consecutive days.

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

E. Transitional Provisions for Newly Required CCCBC-Based Determinations of Eligibility

1. CBCs and CCCBCs.
a. Prior to March 1, 2018, home-based providers were required to obtain a Criminal Background Check (CBC) from the Louisiana Bureau for each required person.
b. Effective March 1, 2018, home-based providers must obtain a Child Care Criminal Background Check (CCCBC)-based determination of eligibility for child care purposes from the Department for each required person.

2. New Hires and Other Required Persons for Whom a Home-Based Provider Does Not Have an Existing Satisfactory CBC on March 1, 2018.
   a. A home-based provider shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each required person in Subsection C of this Section for whom the center does not have a satisfactory CBC on March 1, 2018, prior to the person being present or performing services in the home or residence or on the property when children in care are present.

3. Existing Required Persons For Whom A Provider Has An Existing, Satisfactory CBC on March 1, 2018.
   a. A home-based provider that has an existing satisfactory CBC on March 1, 2018, for a required persons in Subsection C of this Section shall be required to request a 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 at the time of home-based provider’s next renewal of certification or before August 1, 2018, whichever occurs first.
   b. A home-based provider’s existing, satisfactory CBC on March 1, 2018, for a required person who is continuing to provide services or be present at the home or residence or on the property, shall remain valid until the provider receives the new CCCBC-based determination of eligibility for child care purpose for the person, or until October 1, 2018, whichever is earlier, provided the provider 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.

F. Fees for CCCBC-Based Determinations of Eligibility for Child Care Purposes
   1. All fees required to be paid to the Louisiana Department of Education shall be paid through its electronic payment system and are nonrefundable.
   2. 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 home-based provider to the Department with each request for a CCCBC-based determination of eligibility for child care purposes, which fee is composed of the following:
      a. $15 for the Department’s administrative costs, pursuant to La. R.S. 17:407.42(B)(3); and
      b. $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
      c. $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).

G. Appeal of Accuracy or Completeness of CCCBC Results for Home-Based Providers
   1. 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.
   2. A person appealing the accuracy or completeness of the CCCBC results shall remain ineligible during the appeals process.
   3. Request for Appeal of Accuracy or Completion of CCCBC Results
      a. 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.
      b. To be sufficient, a request for appeal:
         i. must contain written reasons that identify the specific information provided in the NOI that is believed to be inaccurate or incomplete; and
         ii. should include official information and/or documentation of the accurate and/or complete information, if available.
      c. 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.
4. Review of Appeal
   a. 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.
   b. 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.
      i. 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.
      ii. 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.

5. Result of Appeal
   a. 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 home-based provider that the requestor is eligible for child care purposes by sending a notice of eligibility for child care purposes to both.
      i. 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 home-based provider.
   b. 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.

§311. Specific Certification Requirements for In-Home Child Care Providers
   A. To be certified as a CCAP provider, in addition to the requirements in §305, an in-home care provider must meet the following requirements which include, but are not limited to, the requirements for registration as an in-home provider pursuant to R.S. 17:407.61 et seq.
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      5. Determination of eligibility for child care purposes. Provide documentation of a CCCBC-based determination of eligibility for child care purposes by the Department for required persons in compliance with §310 of this Bulletin;
         State Central Registry. Provide written certification that the provider, all adults employed in the home and on the property of the home where care is provided, and all non-caregiver adults living in the home where care is provided have not been the subject of a validated finding of child abuse or neglect by completing a state central registry disclosure form.
         6. Louisiana Sex Offender Sex Offender and Child Predator. Annually check Louisiana Sex Offender and Child Predator Registry to determine if the name of any of the persons required to obtain a CCCBC-based determination of eligibility for child care purposes is recorded on the registry.
            Criminal Background Checks. Provide documentation of a satisfactory fingerprint-based criminal background check (CBC) from the Louisiana Bureau of Criminal Identification and Information (bureau) for the provider, all adults employed in the home and on the property of the home where care is provided, and all non-caregiver adults living in the home where care is provided.
               a. Electronic fingerprints shall be used in all parishes where they are available.
               b. A satisfactory CBC is one that shows no arrests for any crime listed in R.S. 5:587.1(C), or if such an arrest is shown, 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.

§313. Specific Certification Requirements for Public School and BESE-approved Nonpublic School Child Care Centers
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F. Determination of eligibility for child care purposes. Provide documentation of a CCCBC-based determination of eligibility for child care purposes by the Department in compliance with Chapter 18 of Bulletin 137 - *Louisiana Early Learning Center Licensing Regulations*.

§315. **Specific Certification Requirements for Military Child Care Centers**

A. To be certified as a CCAP provider, a military child care center must meet the requirements in §305, have a valid child care license issued by the U.S. Department of Defense, and provide documentation of a CCCBC-based determination of eligibility for child care purposes by the Department in compliance with Chapter 18 of Bulletin 137 - *Louisiana Early Learning Center Licensing Regulations*.

Chapter 5. CCAP Household Eligibility

§505. **Households Categorically Eligible for CCAP**

A. Households are categorically eligible for CCAP if they have household members who are:

1. recipients of Family Independence Temporary Assistance Program (FITAP) who are satisfactorily participating in the Strategies to Empower People (STEP) Program; or
2. children in foster care; or
3. experiencing homelessness.

§509. **Certification Requirements for Non-Categorically Eligible Households**

A. To be certified as a CCAP household, households that are not categorically eligible for participation in CCAP must meet the following requirements:

**4.** provide the information and documentation necessary for determining the household eligibility and the amount of the monthly CCAP payment to be made to the provider; and

**a.** Exception. If a household is experiencing homelessness, the household shall have 90 calendar days from the date of its initial determination of eligibility to submit documentation supporting the initial determination of eligibility.

§513. **Prioritization of Funding and Waiting List**

A. Prioritization. A household shall be prioritized for funding if the household has members who are:

1. recipients of Family Independence Temporary Assistance Program (FITAP) who are participating in the Strategies to Empower People (STEP) Program. FITAP eligibility has been terminated due to earned income shall be given priority status with seats available for them as long as they meet the eligibility requirements provided in §509 and funding is available.
2. children in foster care; and children with special needs shall be given priority status should it be necessary for a waiting list to be established. Children with special needs will be given priority status with seats available for them as long as they meet the eligibility requirements in either §507 or §509, whichever is applicable.
3. children requiring special needs care, as special needs care is defined in §103 of this Bulletin;
4. children experiencing homelessness;
5. children actively participating in an Early Head Start-Child Care Partnership (EHS-CCP).

B. Prioritized households shall be funded and not added to the waiting list.

C. Waiting List. After all available slots are filled, a statewide waiting list of eligible households or eligible children shall be established and maintained. Households added to the waiting list shall be added in chronological order based on the date the household’s completed application is received by the Department. As slots become available, the household that has been on the waiting list the longest shall be selected from the waiting list and considered for current eligibility. On the waitlist shall be classified based on priority and need. As seats become available, households will be released from the waiting list and considered for current eligibility.

BD. The department has the authority to implement an application freeze based on the lack of available child care funds to operate CCAP.
521. Recovery of Payments Made on Behalf of Ineligible Households

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B. Action will be taken to recover all payments made on behalf of:
   1. ineligible households that are currently participating in CCAP;
   2. any ineligible household resulting from the household’s act of fraud, such as the submission of false or altered documents or information, intentionally making a false or misleading statement, or misrepresenting, concealing, or withholding relevant fact; and
   3. any ineligible household resulting from errors that are discovered in a quality control review; and
   4. any ineligible service that results in an improper overpayment.

C. If a household does not timely repay ineligible improper payments made on its behalf, other than those exceptions provided in Subsection A of this Section, the department may refer such unrecovered payments to the Office of the Attorney General for collection, and the household owing the payments shall be assessed, and shall be required to pay, the additional collection fee assessed by the Office of the Attorney General.