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## Title 28

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## Title 28 EDUCATION

### Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs

#### Chapter 1. Child Care Assistance Program

##### §101. Authority

A. The Louisiana Child Care Assistance Program is established pursuant to the Child Care and Development Block Grant Act of 2014 (CCDBG) and administered by the Louisiana Department of Education (department) under the authority of state and federal laws.

**AUTHORITY NOTE:** Promulgated in accordance with 42 USC 9858, 45 CFR Parts 98 and 99 and R.S. 17:407.26.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 41:2109 (October 2015).

##### §103. Definitions

*Automated Child Care Time and Attendance*—an electronic system that provides accurate and timely capturing, tracking, and reporting of time and attendance data.

*Back Scans*—attendance scans by head of household or household designee utilizing the LDOE Automated Child Care Time and Attendance system that are made at a time other than the actual times of arrival and departure of the child.

*BESE*—Board of Elementary and Secondary Education.

*BESE Bulletin 136*—The Louisiana Standards for Early Childhood Care and Education Programs Serving Children Birth-Five Years.

*BESE Bulletin 137*—Louisiana Early Learning Center Licensing Regulations.

*Biocontaminants*—any biological contaminant that includes blood and any bodily fluids, excretions, or waste that may spread infectious disease.

*Bureau*—Louisiana Bureau of Criminal Identification and Information.

*CBC*—criminal background check.

*CCAP*—Child Care Assistance Program.

*CCAP Household*—a household certified by the department as eligible for participation in CCAP.

*CCAP Provider*—a child care provider certified by the Department of Education as eligible to receive CCAP payments.

*CCCBC*—child care criminal background check.

*Caregiver*—any person legally obligated to provide or secure care for a child, including a parent, legal custodian,

foster home parent, or other person providing a residence for the child.

*Certification*—verification by the department of eligibility to participate in CCAP and receive CCAP payments.

*Certified*—eligible to participate in CCAP.

*Child*—a person who has not yet reached the age 13, or a person with special needs who has not yet reached age 18. The words “child” and “children” are interchangeable in this Bulletin.

*Child and Adult Care Food Program*—federal nutrition reimbursement program as funded by the U.S. Department of Agriculture through the Department of Education.

*Child Care and Development Fund (CCDF)*—federal program whose purpose is to increase the availability, affordability and quality of child care for eligible families.

*Child Care Assistance Program (CCAP)*—program funded through the CCDF that makes payments to eligible child care providers for child care services provided to eligible families through both voucher seats and contracted seats.

*Child Care Center*—any place or center operated by any institution, political subdivision, society, agency, corporation, person or persons, or any other group for the purpose of providing care, supervision, and guidance of seven or more children, not including those related to the caregiver, unaccompanied by parent or legal custodian, on a regular basis for at least 12 1/2 hours in a continuous seven-day week.

*Child Care Criminal Background Check (CCCBC)*—information received by the department upon request for information pursuant to requirements set forth in R.S. 17:407.71 and 45 CFR 98.43(b).

*Child Care Provider*—an early learning center, family child care provider, in home child care provider, military child care center or school child care center.

*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.

*Child Care Resource and Referral (CCR and R)*—a state or local organization with whom the department has contracted to provide services to families, early childhood professionals, and communities statewide.

*Contracted Seats*—seats for full-time care for infants through three-year-old children of CCAP-eligible families, as defined in Chapter 5 of this Part, for which the LDOE pays a CCAP-certified child care provider for a specified number of child care seats.

*Criminal Background Check (CBC)*—a 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.

*DCFS*—Louisiana Department of Children and Family Services.

*Department*—Louisiana Department of Education.

*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).

*Early Learning Center*—any child day care center, Early Head Start center, Head Start center, or stand-alone prekindergarten program that is not attached to a school.

1. *Type I Early Learning Center*—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.

2. *Type II Early Learning Center*—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.

3. *Type III Early Learning Center*—an early learning center that directly or indirectly receives state or federal funds from any source other than the federal food and nutrition programs.

*Excessive Absences*—failure of a child to attend at least one day in the prior certified month.

*Excessive Back Scans*—four or more back scans in a seven consecutive day period or ten or more back scans in one calendar month.

*Excessive Unexplained Absences*—six or more unexplained absences from the child care provider during any certification month.

*FITAP*—Family Independence Temporary Assistance Program.

*Family Child Care Provider*—one or more individuals who provides child care services for fewer than 24 hours per day per child, unless care in excess of 24 hours is due to the nature of the parent's work, for six or fewer children, in a private residence other than the child's residence.

*Family Independence Temporary Assistance Program (FITAP)*—program administered by the Department of Children and Family Services (DCFS) that provides cash assistance to families with dependent children.

*Full-Time Care*—child care calculated to be 30 or more hours per week that is paid in units of days or half days with a maximum of 22 days per month.

*Group Size*—the number of children assigned to a teacher or team of teachers occupying an individual classroom or well-defined space within a large room.

*Head of Household*—an individual who is over the age of 18 or under the age of 18 and emancipated by law with whom the child customarily resides more than half the time. The head of household is either the child's parent or an adult household member with primary responsibility for the child's financial support and care, if the parent is not living in the home or is living in the home but is under age 18 and not emancipated by law, or is disabled and is unable to care for himself and his child(ren).

*Helping Individuals Reach Employment (HiRE)*—system through which job seekers may file for unemployment and search for jobs that match their experience and interest.

*Homeless*—lacking a fixed, regular, and adequate nighttime residence. The term "homeless" shall encompass children and youths experiencing the particular conditions and situations provided for in subtitle B of title VII of the McKinney-Vento Education for Homeless Children and Youth Act, 42 U.S.C. 11434a(2).

*Household*—a group of individuals living together that consists of a head of household, that person's legal spouse or non-legal spouse, disabled adult parents who are unable to care for themselves or their child(ren) who are in need of child care, and all children under the age of 18 who are dependent on the head of household or spouse, including the minor unmarried parents (MUPs) who are not legally emancipated, and children of MUPs

*Household Designee (HD)*—an adult who is designated in writing by the CCAP head of household, other responsible household member, or authorized representative to drop-off and pick-up the child or children from a CCAP provider. In the case of an in-home provider, a household designee is the person to whom the provider may release the child or children when the provider leaves the home.

*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.

*Ineligibility Period for Providers*—period of time following the termination or closure of a CCAP provider's certification during which the provider is ineligible for certification.

*In-Home Child Care Provider*—an individual who provides child care services in the child or children's own home.

*Intentional Program Violation (IPV)*—any act by a CCAP household member that consists of intentionally making a false or misleading statement, or misrepresenting, concealing, or withholding relevant facts.

*IPV*—intentional program violation.

*Key Orientation Training Module 1*—a self-paced, online training provided by the LDE for new providers and staff that addresses early childhood professionalism, health and safety, licensing and hazards.

*Key Orientation Training Module 2*—a self-paced, online training provided by the LDE for new providers and staff that addresses child development, early learning and development standards (ELDS), and learning activities.

*Key Orientation Training Module 3*—a self-paced, online training provided by the LDE for new providers and staff that addresses teacher-child interaction, child guidance, and classroom management.

*Licensing Division*—Department of Education, Licensing Division.

*Louisiana Bureau of Criminal Identification and Information (Bureau)*—bureau within the Office of State Police that maintains a central repository of criminal history record information in Louisiana.

*Louisiana Pathways Early Learning Center Career Development System (LA Pathways)*—the state practitioner registry maintained by the department or its contractor. LA pathways registers child care facility directors and staff according to requirements based on training and education, experience, and professional activities, as approved by the department. Categories are established for early learning center staff, early learning center assistant teacher, early learning center teacher, early learning center assistant director and early learning center director.

*MUP*—minor unmarried parent.

*Military Child Care Center*—child care centers licensed by the U.S. Department of Defense.

*Non-Vehicular Excursions*—any activity that takes place away from the home that is within a safe, reasonable,

walking distance from the home, and that does not require transportation in a motor vehicle and does not include walking with children to and from schools.

*Notice*—written notice is considered given:

1. when it is sent by email or fax to the last email address or fax number furnished to the department;
2. when it is hand-delivered; or
3. on the fifth calendar day after it was mailed to the last mailing address furnished to the department.

*Parent*—includes parent, legal custodian or other person standing in loco parentis.

*Part-Time Care*—authorized child care calculated to be less than 30 hours per week, paid in units of hours (total per day may not exceed daily rate) up to a maximum of 129 hours per month.

*Pathways*—Louisiana early learning center career development system (LA pathways).

*Quality Start Child Care Rating System*—system designed to assess the level of quality of early care and education programs serving birth through age five, communicate the level of quality, and support improvements of child care facilities.

*Relative or Related*—the child, grandchild, niece, or nephew of the family child care provider.

*SNAP*—see *Supplemental Nutrition Assistance Program*.

*STEP*—Strategies to Empower People Program.

*School Child Care Center*—any prekindergarten, or before and after school programs, or summer programs operated by a public school or a BESE-approved nonpublic school.

*Seeking Employment*—register for work with Louisiana Workforce Commission (LWC) by creating a helping individuals reach employment (HiRE) account and by maintaining an active work registration within their HiRE account.

*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 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.

*Strategies to Empower People Program (STEP)*—program administered by DCFS to provide opportunities for work eligible families of FITAP to receive job training, employment, and supportive services.

*Supervision*—the function of observing, overseeing, and guiding a child or group of children, that includes awareness

of and responsibility for the ongoing activity of each child and being near enough to intervene if needed.

*Supplement*—herbal or other dietary, nutritional, or other food or medical supplement administered to be ingested by children orally, in aerosol form, or in any other manner.

*Supplemental Nutrition Assistance Program (SNAP)*—federal program administered by DCFS that provides monthly benefits to that help eligible low income households buy food needed for good health.

*TEMP*—training or employment mandatory participant.

*Training or Employment Mandatory Participant (TEMP)*—a household member who is required to meet criteria described in §505.B.4 which includes the head of household, the head of household's legal spouse or non-legal spouse, the MUP age 16 or older whose child(ren) need CCAP, and the MUP under age 16 whose child(ren) live with the MUP and the MUP's disabled parent/guardian who is unable to care for the MUP's child(ren) while the MUP goes to school or work.

*Transitional Living Program*—any residential program or facility providing housing to homeless people, including but not limited to: emergency shelters; runaway and homeless youth residential programs or facilities; programs for parenting youth; programs for individuals who are fleeing domestic violence, dating violence, sexual assault, or stalking; transitional housing programs; and prisoner reentry programs.

*Unexplained Absence*—an absence for which the head of household has not provided verbal or written notification to the provider or the department about the absence.

*Voucher Seats*—a placement made to a CCAP-eligible family, as defined in Chapter 5 of this Part, that provides funding to a child care provider; this voucher is retained by the family when the child and family transfers to another CCAP-certified provider.

*Water Activity*—a water-related activity in which children are in, on, near and accessible to, or immersed in, a body of water, including but not limited to a swimming pool, wading pool, water park, river, lake, or beach.

*Water Play Activity*—water-related activity in which there is no standing water, including but not limited to fountains, sprinklers, water slip-and-slides and water tables.

*Written*—includes hard-copy and electronic form.

**AUTHORITY NOTE:** Promulgated in accordance with 45 CFR part 98 and R.S. 17:407.28.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 41:2109 (October 2015), amended LR 42:42 (January 2016), LR 42:1870 (November 2016), LR 43:1279 (July 2017), LR 44:257 (February 2018), effective March 1, 2018, LR 44:800 (April 2018), LR 47:1279 (September 2021), LR 48:30 (January 2022), LR 48:1006 (April 2022), LR 49:1208 (July 2023), LR 50:969 (July 2024).

## Chapter 3. CCAP Provider Certification

### §301. Certification of Child Care Provider's Eligibility for Participation in CCAP

A. A child care provider must be certified by the Department of Education (department) as eligible for participation in the Child Care Assistance Program (CCAP) in order to become a CCAP provider and receive CCAP payments. No CCAP payments may be made to a child care provider until the provider is certified by the department.

B. To be certified as a CCAP provider, a child care provider must meet all general and specific certification requirements set forth in this Chapter.

**AUTHORITY NOTE:** Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 41:2111 (October 2015).

### §303. Types of Child Care Providers that May Apply for Certification

A. The following types of child care providers may apply for certification:

1. type III early learning centers;
2. family child care providers;
3. in-home child care providers;
4. school child care centers; and
5. military child care centers.

**AUTHORITY NOTE:** Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 41:2111 (October 2015).

### §305. General Certification Requirements for All Child Care Providers

A. To be certified as a CCAP provider, a child care provider must meet the following requirements:

1. **Provider Agreement.** Complete and sign a provider agreement furnished by the department and meet all requirements contained therein;
2. **Email Address.** Provide a current email address and notify the department immediately upon a change in such email address by submitting written notice to the LDE by fax or email;
3. **Time and Attendance.** Participate in the time and attendance system designated by the department and possess the minimum equipment necessary to operate the system;
4. **Direct Deposit.** Provide complete and accurate documentation and information required for direct deposit;
5. **Photo Identification.** Provide copies of government-issued photo identification and Social Security cards for the person signing the provider agreement;

6. **Mandatory Reporting Requirements.** Comply with all mandatory reporting requirements for suspected cases of child abuse or neglect; and

7. **Additional Requirements.** Meet additional requirements for the specific type of child care provider set forth in §§309-317.

**AUTHORITY NOTE:** Promulgated in accordance with 42 USC 9858 et seq., 45 CFR Parts 98 and 99, R.S. 17:407.28 and R.S. 17:407.61 et seq.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 41:2111 (October 2015), amended LR 43:1279 (July 2017).

**§307. Specific Certification Requirements for Type III Early Learning Centers**

A. To be certified as a CCAP provider, a type III early learning center must meet the requirements in §305 and have a valid type III early learning center license issued by the Licensing Division pursuant to R.S. 17:407.31 et seq.

**AUTHORITY NOTE:** Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 41:2111 (October 2015).

**§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.

1. **Age.** Be at least age 18.
2. **Number of Children in Care.** Care for no more than six children who are under age 13, or children with special needs who are under age 18.
3. **Telephone.** Have a working telephone that is capable of receiving incoming and making outgoing calls and that is available at all times in the residence in which care is being provided. The provider shall notify the LDOE immediately upon a change in such phone numbers by submitting written notice to the LDOE by fax or email.
4. **Costs.** Pay costs necessary to obtain required criminal background checks.
5. **State Fire Marshal.** Provide written verification of current State Fire Marshal approval for the residence where care is being provided.
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 Part.

7. **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.

8. **CPR.** Provide documentation of current certification in infant, child and adult CPR.

9. **Pediatric First Aid.** Provide documentation of current certification in pediatric first aid.

10. **Medication Administration Training.** Provide documentation of current medication administration training. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician's assistant, licensed paramedic, or licensed EMT who is on the LDOE registry of approved trainers.

11. **Pre-Service Orientation Training.** Complete four hours of pre-service orientation training that includes the LDE Key Orientation Training Modules 1, 2 and 3 and DCFS' online Mandate Reporter training prior to initial certification, maintain documentation verifying completion of the training, and submit the documentation with the application for certification to the LDE.

- a. The pre-service orientation training shall at a minimum include information on the following:
  - i. general emergency preparedness, including natural disasters and man-caused disasters;
  - ii. professionalism;
  - iii. health and safety, including daily observations, supervision regulations, daily attendance, child-to-staff ratios, improper discipline, prohibited discipline, prevention of shaken baby syndrome, prevention of abusive head trauma and child maltreatment, food safety, choking risks, and recognition and reporting of child abuse and neglect;
  - iv. administration of medication consistent with standards for parental consent;
  - v. prevention and response to emergencies due to food and allergic reactions;
  - vi. appropriate precautions in transporting children, if applicable;
  - vii. public health policies, including prevention and control of infectious diseases and immunization information;
  - viii. handling and storage of hazardous materials and appropriate disposal of bio-contaminants;
  - ix. pediatric first aid and cardiopulmonary resuscitation (CPR);
  - x. prevention of sudden infant death syndrome and use of safe sleep practices;
  - xi. outdoor play practices;
  - xii. environmental safety;
  - xiii. building and physical premises safety, including identification of and protection from hazards, bodies of water and vehicular traffic;

- xiv. child release procedures; and
- xv. critical incident procedures.

12. Continuing Training

a. Annually complete 12-clock hours of training in safety and health topics and job-related subject areas approved by the LDE. Continuing training shall be completed with LDE approved trainers.

b. Annually complete DCFS' online Mandated Reporter Training.

c. Documentation verifying completion of all required trainings shall be maintained onsite by the provider, whether as hard copies or in electronic form, and made available for inspection upon request by the LDE.

d. Pre-service orientation training, infant/child/adult CPR, pediatric first aid training, and medication administration training may count as annual training requirements in the certification period in which the training is completed.

13. Child Daily Attendance. A daily attendance record for children shall be maintained that shall:

- a. include the child's first and last name, arrival and departure times, and first and last name of person or entity to whom the child is released;
- b. accurately reflect children in care at any given time; and
- c. be used to sign in and out if a child leaves and returns to the home during the day.

14. Transportation. If transportation is provided, the provider shall:

- a. use child safety restraints, such as car seat belts, child restraining seats, infant carrier seats, etc., as required by law in the transportation of children;
- b. take precautions necessary to ensure the safety of children being transported;
- c. develop written emergency procedures and actions to be taken in the event of an accident or breakdown;
- d. maintain a current driver's license and current automobile insurance as required by law;
- e. obtain written permission from a parent to transport the child; and
- f. maintain a transportation log for each trip to be used to track children during transportation, which shall include the child's name, the date, time and place of pick up and drop off, and the name of the person to whom a child is released.

15. Medication Administration

a. No medication or special medical procedure shall be administered to a child unless authorized in writing by the parent.

b. Such authorization shall include the name of the child, drug name and strength, date(s) to be administered, directions for use, including route, dosage, frequency, time and special instructions if applicable, and signature of parent and date of signature.

c. Supplements. Children shall not be administered any form of supplements without prior written parental authorization.

16. Immunizations. Obtain satisfactory evidence of immunization against, or an immunization program in progress, for vaccine-preventable diseases for each child in care, according to the schedule approved by the Office of Public Health, Department of Health and Hospitals:

- a. if vaccination is contraindicated for medical reasons, the parent shall provide a written statement from a physician indicating said medical reasons; or
- b. if the parent objects to the immunizations for any other reason, the parent shall provide a written statement of dissent.

17. Hazardous Materials and Other Items that Can Be Harmful to Children. Items such as medications, poisons, cleaning supplies and chemicals, equipment, tools, knives and other potentially dangerous utensils that can be harmful to children shall be kept in a locked cabinet or other secure place that ensures items are inaccessible to children.

18. Building and Physical Premises. Identify and protect children from safety hazards in the residence and on the premises, such as uncovered electrical outlets, strings and cords, bodies of water, and vehicular traffic.

19. Emergency Preparedness Disaster Plan. Develop, practice and train on, and follow, a written emergency preparedness disaster plan that includes at a minimum:

- a. procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions;
- b. procedures for all adults living in, or working in the residence where care is provided, or working on the property where care is provided; and
- c. posting in a visibly accessible area all appropriate emergency phone numbers, such as fire and police, hospitals and Louisiana Poison Control, and the physical address and phone number for the residence in which care is provided.

20. First Aid Supplies. Maintain first aid supplies in the residence.

21. Inspections. Allow inspection of the residence where care is provided by department staff and other authorized inspection personnel and parents of children in care, during normal working hours or when children are in care.

22. Supervision. Children shall be supervised at all times in the home, on the property, on field trips, on non-



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vehicular excursions, and during all water activities and water play activities.

### 23. Behavior Management

a. Provider shall develop, implement and follow a written behavior management policy describing the methods of behavior guidance and management that shall be used at the center.

b. The behavior management policy shall prohibit:

i. physical or corporal punishment which includes but is not limited to yelling, slapping spanking, yanking, pinching or other measures producing physical pain, putting anything in the mouth of the child, requiring a child to exercise, or placing a child in an uncomfortable position;

ii. verbal abuse;

iii. the threat of prohibitive action even if there is no intent to follow through with the threat;

iv. being disciplined by another child, being bullied by another child or being deprived of food or beverages;

v. being restrained in high chairs or feeding tables for disciplinary purposes; and

vi. having active play time withheld for disciplinary purposes, except timeout may be used during active play time for an infraction incurred during the playtime.

c. Time out:

i. time out shall not be used for children under age two;

ii. a time out shall take place within sight of staff;

iii. the length of each time out shall be based on the age of the child and shall not exceed one minute per year of age.

24. Group Size. A provider may care for a maximum of six children.

25. Child-to-Staff Ratios. The maximum child-to-staff ratio shall be 6:1.

### 26. Safe Sleep Practices

a. Only one infant shall be placed in a crib.

b. All infants shall be placed on their backs for sleeping.

i. Written authorization from a physician is required for any other sleeping position.

ii. Written notice of the specifically authorized sleeping position shall be posted on or near the crib.

c. Infants shall not be placed in positioning devices, unless the provider has written authorization from a physician to use a positioning device.

d. Written authorization from a physician is required for a child to sleep in a car seat or other similar device and shall include the amount of time that the child is allowed to remain in said device.

e. "Back to Sleep" signs shall be posted in the room where infants sleep.

f. Infants who use pacifiers shall be offered their pacifier when they are placed to sleep, but it shall not be placed back in the mouth once the child is asleep.

g. Bibs shall not be worn by any child while asleep.

h. Nothing shall be placed over the head or face of an infant.

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

27. Health Related Policies. The provider shall have a written copy of all health-related policies including policies regarding accidents, allergic reactions, fever, illness, immunizations, and infection and injuries, and shall provide a copy to the parent or guardian of each child in care.

28. Immediate Parental Notification. The parent shall be immediately notified in the following circumstances:

a. blood not contained in an adhesive strip;

b. head or neck or eye injury;

c. human bite that breaks the skin;

d. animal bite;

e. impaled object;

f. broken or dislodged teeth;

g. allergic reaction skin changes (e.g. rash, spots, swelling, etc.);

h. unusual breathing;

i. symptoms of dehydration;

j. temperature reading over 101 degrees oral, 102 degrees rectal, or 100 degrees axillary; or

k. injury or illness requiring professional medical attention.

29. Biocontaminants. Staff shall properly dispose of all biocontaminants to safeguard against the spread of infectious disease.

a. Discard disposable rubber gloves that come into contact with a biocontaminant after each use.

b. Discard tissues, paper towels, disposable wipes, and similar products that come into contact with a biocontaminant after each use.

c. Place soiled disposable diapers in a closed container that is lined with a leak-proof or impervious lining, remove the soiled disposable diapers from the facility, and place them in a closed garbage receptacle outside the building on a daily basis.

d. Place soiled non-disposable diapers in a sealed plastic container that has been labeled with the child's name and return the diapers to the child's parent at the end of the day.

e. Place soiled clothes in a sealed plastic container that has been labeled with the child's name and return the clothes to the child's parent at the end of the day or launder the clothes at the facility.

f. Sheets and coverings shall be changed immediately when soiled or wet.

30. Cumulative File. A cumulative file that shall include an information form, written authorization for emergency medical treatment, individuals to whom the child may be released, and special dietary requirements shall be maintained on each child.

a. The information form shall be signed and dated by the parent and updated as changes occur. The form shall contain the name of the child, date of birth, sex, date of admission, the name of parents, the home address of both child and parents, the phone numbers where parents may be reached while the child is in care, the name and phone number of the person to contact in an emergency if parents cannot be located promptly, any special concerns, including but not limited to allergies, chronic illnesses, and any special needs of the child, if applicable, and any special dietary needs, restrictions or food allergies, or intolerances, if applicable.

b. Emergency medical treatment written authorization shall be signed and dated by the parent to secure emergency medical treatment.

c. Written authorization for child release shall be signed and dated by the parent noting the first and last names of individuals to whom the child may be released other than the parents, and any person or persons who may remove the child from the home.

i. The parent may further authorize additional individuals via a text message, fax, or email to the provider in unplanned situations and follow it with written authorization.

ii. A child shall never be released to anyone unless authorized in writing by the parent.

iii. Any additions and deletions to the list of authorized individuals shall be signed and dated by the parent.

iv. The provider shall verify the identity of the authorized person prior to releasing the child.

#### d. Special Diets

i. A parent may request in writing special diet adjustments (i.e. no milk on a particular day).

ii. If a center is on the Child and Adult Care Food Program (CACFP), a written statement from a health care provider and the parent is required when the child requires a

special diet for medical reasons if the meal is to be reimbursed by CACFP.

iii. Information regarding food allergies and special diets of children shall be posted in the food preparation area with special care taken to ensure that individual names of children are not in public view. If a parent chooses to allow the provider to post the child's name and allergy information in public view, a signed and dated authorization from the parent shall be obtained.

31. Shaken Baby Syndrome, Abusive Head Trauma, and Child Maltreatment. The provider shall maintain policy and procedures to identify, prevent, and respond to shaken baby syndrome, abusive head trauma, and child maltreatment.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2111 (October 2015), amended LR 42:2173 (December 2016), LR 43:1279 (July 2017), LR 44:258 (February 2018), effective March 1, 2018, LR 47:1280 (September 2021), LR 49:1208 (July 2023), LR 50:970 (July 2024).

### **§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 CFR 98.43(b)(2); and

f. a request for a search of the name-based state criminal history information record, state 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 CFR 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 plead guilty or *nolo contendere* to any of the crimes listed in R.S. 15:587.1(C), or those of a jurisdiction other than Louisiana which would constitute a crime under the provisions cited in 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 state 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:

a. the provider;

b. all adults employed in the home or on the property of the home where care is provided;

c. all adults living in the residence where care is provided; and

d. 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:

a. the provider;

b. all adults employed in the home or on the property of the home where care is provided;

c. all non-caregiver adults living in the home where care is provided; and

d. 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 of this Section:

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 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 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. The department shall charge and collect a \$15 processing fee when it receives a request for a CCCBC-based determination of eligibility for child care purposes.

a. The processing fee may be waived and paid from COVID-19 recovery funds, where available.

3. The department may also collect on behalf of the respective agencies the processing fees charged by DCFS for a search of its state central registry of child abuse and neglect, the Bureau of Criminal Identification and Information for a state criminal history report, the Federal Bureau of Investigation for a federal criminal history information report, the National Crime Information Center for a search of the national sex offender registry, and processing fees charged by other states, when it receives a request for a CCCBC-based determination of eligibility for a child care purposes.

#### 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.

**AUTHORITY NOTE:** Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 44:258 (February 2018), effective March 1, 2018, LR 48:31 (January 2022).

#### **§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.

1. Age. Be at least age 18.

2. Telephone. Have a working telephone that is capable of receiving incoming and making outgoing calls and that is available at all times in the home in which care is being provided. Notify the LDOE immediately upon a change in such phone numbers by submitting written notice to the LDOE by fax or email.

3. Costs. Pay costs necessary to obtain required criminal background checks.

4. State Fire Marshal. Provide written verification of current State Fire Marshal approval for the home where care is being provided.

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 Part;

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.

7. CPR. Provide documentation of current certification in infant, child and adult CPR.

8. Pediatric First Aid. Provide documentation of current certification in pediatric first aid.

9. Medication Administration Training. Provide documentation of current medication administration training. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician's assistant, licensed paramedic, or licensed EMT who is on the LDOE registry of approved trainers.

10. Pre-Service Orientation Training. Complete the following four hours of pre-service orientation training that includes the LDE Key Orientation Training Modules 1, 2, and 3 and DCFS Mandated Reporter training prior to initial certification, maintain documentation verifying completion of the training and submit the documentation with the application for certification to the LDE.

a. The pre-service orientation training shall at a minimum include information on the following:

i. general emergency preparedness, including natural disasters and man-caused disasters;

ii. professionalism;

iii. health and safety, including daily observations, supervision regulations, daily attendance, child-to-staff ratios, improper discipline, prohibited discipline, prevention of shaken baby syndrome, prevention of abusive head

trauma and child maltreatment, food safety, choking risks, and recognition and reporting of child abuse and neglect;

iv. administration of medication consistent with standards for parental consent;

v. prevention and response to emergencies due to food and allergic reactions;

vi. appropriate precautions in transporting children, if applicable;

vii. public health policies, including prevention and control of infectious diseases and immunization information;

viii. handling and storage of hazardous materials and appropriate disposal of bio-contaminants;

ix. pediatric first aid and cardiopulmonary resuscitation (CPR);

x. prevention of sudden infant death syndrome and use of safe sleep practices;

xi. outdoor play practices;

xii. environmental safety;

xiii. building and physical premises safety, including identification of and protection from hazards, bodies of water and vehicular traffic;

xiv. child release practices; and

xv. critical incident practices and licensing regulations;

#### 11. Continuing Training

a. Annually complete 12-clock hours of training in safety and health topics and job-related subject areas approved by the LDE. Continuing training shall be conducted by LDE approved trainers. The LDE shall keep a registry of approved trainers.

b. Annually complete DCFS' online Mandated Reporter Training.

c. Documentation verifying completion of required trainings shall be maintained onsite by the provider, whether as hard copies or in electronic form, and made available for inspection upon request by the department.

d. Pre-service orientation training, infant/child/adult CPR, pediatric first aid training, and medication administration training may count as annual training requirements in the certification period in which completed.

12. Children's Daily Attendance. A daily attendance record for children shall be maintained that shall accurately reflect children in care at any given time.

13. Transportation. If transportation is provided, the provider shall:

a. use child safety restraints, such as car seat belts, child restraining seats, infant carrier seats, etc., as required by law in the transportation of children in care;

b. take precautions necessary to ensure the safety of children being transported;

c. develop written emergency procedures and actions to be taken in the event of an accident or breakdown.;

d. maintain a current driver's license and current automobile insurance as required by law;

e. obtain written permission from a parent to transport the child; and

f. maintain a transportation log for each trip to be used to track children during transportation, which shall include the child's name, the date, time and place of pick up and drop off, and the name of the person to whom a child is released.

#### 14. Medication Administration

a. No medication or special medical procedure shall be administered to a child unless authorized in writing by the parent.

b. Such authorization shall include the name of the child, drug name and strength, date(s) to be administered, directions for use, including route, dosage, frequency, time and special instructions if applicable, signature of parent and date of signature.

c. Supplements. Children shall not be administered any form of supplements without prior written parental authorization.

15. Immunizations. Obtain satisfactory evidence of immunization against, or of an immunization program in progress, for vaccine-preventable diseases for each child in care, according to the schedule approved by the Office of Public Health, Department of Health:

a. if vaccination is contraindicated for medical reasons, the parent shall provide a written statement from a physician indicating said medical reasons; or

b. if the parent objects to the immunizations for any other reason, the parent shall provide a written statement of dissent.

16. Hazardous Materials and Other Items Harmful to Children. Items such as medications, poisons, cleaning supplies and chemicals, equipment, tools, knives, and other potentially dangerous utensils that can be harmful to children shall be kept in a locked cabinet or other secure place that ensures items are inaccessible to children.

17. Building and Physical Premises. Identify and protect children from safety hazards in the home and on the premises, such as uncovered electrical outlets, strings and cords, bodies of water, and vehicular traffic.

18. Emergency Preparedness Disaster Plan. Develop, practice and train on, and follow, a written emergency preparedness disaster plan that includes at a minimum:

a. procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with

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families, continuity of operations, accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions;

b. procedures for all adults living in, or working in the residence where care is provided, or working on the property where care is provided; and

c. posting in a visibly accessible area all appropriate emergency phone numbers, such as fire and police, hospitals and Louisiana Poison Control, and the physical address and phone number for the residence in which care is provided.

19. First Aid Supplies. Maintain first aid supplies in the home.

20. Inspections. Allow inspection of the home where care is provided by LDE staff and other authorized inspection personnel during normal working hours or when children are in care.

21. Supervision. Children shall be supervised at all times in the home, on the property, on field trips, on non-vehicular excursions, and during all water activities and water play activities.

### 22. Behavior Management.

a. Provider shall develop, implement and follow a written behavior management policy describing the methods of behavior guidance and management that shall be used at the center.

b. The behavior management policy shall prohibit:

i. physical or corporal punishment which includes but is not limited to yelling, slapping spanking, yanking, pinching or other measures producing physical pain, putting anything in the mouth of the child, requiring a child to exercise, or placing a child in an uncomfortable position;

ii. verbal abuse;

iii. the threat of prohibitive action even if there is no intent to follow through with the threat;

iv. being disciplined by another child, being bullied by another child or being deprived of food or beverages;

v. being restrained in high chairs or feeding tables for disciplinary purposes; and

vi. having active play time withheld for disciplinary purposes.

c. Time out:

i. time out shall not be used for children under age two;

ii. a time out shall take place within sight of staff;

iii. the length of each time out shall be based on the age of the child and shall not exceed one minute per year of age;

23. Group Size. A provider may care for a maximum of six children.

24. Child-to-Staff Ratios. The maximum child-to-staff ratio shall be 6:1.

### 25. Safe Sleep Practices

a. Only one infant shall be placed in a crib.

b. All infants shall be placed on their backs for sleeping.

i. Written authorization from a physician is required for any other sleeping position.

ii. Written notice of the specifically authorized sleeping position shall be posted on or near the crib.

c. Infants shall not be placed in positioning devices, unless the provider has written authorization from a physician to use a positioning device.

d. Written authorization from a physician is required for a child to sleep in a car seat or other similar device and shall include the amount of time that the child is allowed to remain in said device.

e. "Back to Sleep" signs shall be posted in the room where infants sleep.

f. Infants who use pacifiers shall be offered the pacifier when placed to sleep, but shall not be placed back in the mouth once the child is asleep.

g. Bibs shall not be worn by any child while asleep.

h. Nothing shall be placed over the head or face of an infant.

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

26. Health Related Policies. The provider shall have a written copy of all health-related policies including policies regarding accidents, allergic reactions, fever, illness, immunizations, and infection and injuries, and shall provide a copy to the parent or guardian of each child in care.

27. Immediate Parental Notification. The parent shall be immediately notified in the following circumstances:

a. blood not contained in an adhesive strip;

b. head or neck or eye injury;

c. human bite that breaks the skin;

d. animal bite;

e. impaled object;

f. broken or dislodged teeth;

g. allergic reaction skin changes (e.g. rash, spots, swelling, etc.);

h. unusual breathing;

i. symptoms of dehydration;

j. temperature reading over 101 degrees oral, 102 degrees rectal, or 100 degrees axillary; or

k. injury or illness requiring professional medical attention.

28. Biocontaminants. Staff shall properly dispose of all biocontaminants to safeguard against the spread of infectious disease.

a. Discard disposable rubber gloves that come into contact with a biocontaminant after each use.

b. Discard tissues, paper towels, disposable wipes, and similar products that come into contact with a biocontaminant after each use.

c. Place soiled disposable diapers in a closed container that is lined with a leak-proof or impervious lining, remove the soiled disposable diapers from the facility, and place them in a closed garbage receptacle outside the building on a daily basis.

d. Place soiled non-disposable diapers in a sealed plastic container that has been labeled with the child's name and return these diapers to the child's parent at the end of the day.

e. Place soiled clothes in a sealed plastic container that has been labeled with the child's name and return the clothes to the child's parent at the end of the day or launder the clothes at the facility.

f. Sheets and coverings shall be changed immediately when soiled or wet.

29. Cumulative File. A cumulative file that shall include an information form, written authorization for emergency medical treatment, individuals to whom the child may be released, and special dietary requirements shall be maintained on each child.

a. The information form shall be signed and dated by the parent and updated as changes occur. The form shall contain the name of the child, date of birth, sex, date of admission, the name of parents, the home address of both child and parents, the phone numbers where parents may be reached while the child is in care, the name and phone number of the person to contact in an emergency if parents cannot be located promptly, any special concerns, including but not limited to allergies, chronic illnesses, and any special needs of the child, if applicable, and any special dietary needs, restrictions or food allergies, or intolerances, if applicable.

b. Emergency medical treatment written authorization shall be signed and dated by the parent to secure emergency medical treatment.

c. Written authorization for child release shall be signed and dated by the parent noting the first and last names of individuals to whom the child may be released other than the parents, and any person or persons who may remove the child from the home.

i. The parent may further authorize additional individuals via a text message, fax, or email to the provider in unplanned situations and follow it with written authorization.

ii. A child shall never be released to anyone unless authorized in writing by the parent.

iii. Any additions and deletions to the list of authorized individuals shall be signed and dated by the parent.

iv. The provider shall verify the identity of the authorized person prior to releasing the child.

#### d. Special Diets

i. A parent may request in writing special diet adjustments (i.e. no milk on a particular day).

ii. If a center is on the Child and Adult Care Food Program (CACFP), a written statement from a health care provider and the parent is required when the child requires a special diet for medical reasons if the meal is to be reimbursed by CACFP.

iii. Information regarding food allergies and special diets of children shall be posted in the food preparation area with special care taken to ensure that individual names of children are not in public view. If a parent chooses to allow the provider to post the child's name and allergy information in public view, a signed and dated authorization from the parent shall be obtained.

30. Shaken Baby Syndrome, Abusive Head Trauma, and Child Maltreatment. The provider shall maintain policy and procedure to identify, prevent, and respond to shaken baby syndrome, abusive head trauma, and child maltreatment.

B. In-home child care providers receiving CCAP payments or certified to receive CCAP payments shall be inspected no less than annually by LDE staff or other authorized inspection personnel.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2112 (October 2015), amended LR 42:2174 (December 2016), LR 43:1280 (July 2017), LR 44:260 (February 2018), effective March 1, 2018, amended LR 47:1282 (September 2021), LR 49:1209 (July 2023), LR 50:970 (July 2024).

### §313. Specific Certification Requirements for Public School and BESE-Approved Nonpublic School Child Care Centers

A. To be certified as a CCAP provider, in addition to the requirements in §305 of this Part, a public school or BESE-approved nonpublic school day care center must meet the following requirements:

1. *Brumfield v Dodd* Approval. a BESE-approved nonpublic school day care center must also be *Brumfield v. Dodd*-approved.



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2. State Fire Marshal. Provide written verification of current State Fire Marshal approval.

3. Determination of Eligibility for Child Care Purposes. Provide documentation of a CCCBC-based determination of eligibility for child care purposes by the LDE for required persons in compliance with Chapter 18 of Bulletin 137, Louisiana. Early Learning Center Licensing Regulations.

4. CPR. Provide documentation of current certification in infant, child and adult CPR.

5. Pediatric First Aid. Provide documentation of current certification in pediatric first aid.

6. Medication Administration Training. Provide documentation of current medication administration training. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician's assistant, licensed paramedic, or licensed EMT who is on the LDOE registry of approved trainers.

7. Pre-Service Orientation Training. Each staff member shall complete four hours of pre-service orientation training that includes the LDE Key Orientation Training Modules 1, 2 and 3 and DCFS' online Mandate Reporter training prior to initial certification, maintain documentation verifying completion of the training, and submit the documentation with the application for certification to the LDE.

a. The pre-service orientation training shall at a minimum include information on the following

i. general emergency preparedness, including natural disasters and man-caused disasters;

ii. professionalism;

iii. health and safety, including daily observations, supervision regulations, daily attendance, child-to-staff ratios, improper discipline, prohibited discipline, prevention of shaken baby syndrome, prevention of abusive head trauma and child maltreatment, food safety, choking risks, and recognition and reporting of child abuse and neglect;

iv. administration of medication consistent with standards for parental consent;

v. prevention and response to emergencies due to food and allergic reactions;

vi. appropriate precautions in transporting children, if applicable;

vii. public health policies, including prevention and control of infectious diseases and immunization information;

viii. handling and storage of hazardous materials and appropriate disposal of bio-contaminants;

ix. pediatric first aid and cardiopulmonary resuscitation (CPR);

x. prevention of sudden infant death syndrome and use of safe sleep practices;

xi. outdoor play practices;

xii. environmental safety;

xiii. building and physical premises safety, including identification of and protection from hazards, bodies of water and vehicular traffic;

xiv. child release practices; and

xv. critical incident practices and licensing regulations;

### 8. Continuing Training

a. Annually complete 12-clock hours of training in safety and health topics and job-related subject areas approved by the LDE. Continuing training shall be conducted by LDE approved trainers. The LDE shall keep a registry of approved trainers.

b. Annually complete DCFS' online Mandated Reporter Training.

c. Documentation verifying completion of all required trainings shall be maintained onsite by the center, whether as hard copies or in electronic form, and made available for inspection upon request by the LDE.

d. Pre-service orientation training, infant/child/adult CPR, pediatric first aid training, and medication administration training may count as annual training requirements in the certification period in which completed.

e. The three hours of training by a child care health consultant on infectious diseases, health and safety, and/or food service preparation required in LAC 51:XXI.301.A.9 shall not count towards the annual training requirements. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician's assistant, licensed social worker, or licensed nutritionist who is on the LDOE registry of approved trainers.

9. Children's Daily Attendance. A daily attendance record for children shall be maintained that shall:

a. include the child's first and last name, arrival and departure times, and first and last name of person or entity to whom the child is released;

b. accurately reflect children in care at any given time; and

c. be used to sign in and out if a child leaves and returns to the home during the day.

10. Transportation. If transportation is provided, the center shall:

a. use child safety restraints, such as car seat belts, child restraining seats, infant carrier seats, etc., as required by law in the transportation of children in care;

- b. take precautions necessary to ensure the safety of children being transported;
- c. develop written emergency procedures and actions to be taken in the event of an accident or breakdown;
- d. maintain a current driver's license and current automobile insurance as required by law;
- e. obtain written permission from a parent to transport the child; and
- f. maintain a transportation log for each trip to be used to track children during transportation, which shall include the child's name, the date, time and place of pick up and drop off, and the name of the person to whom a child is released.

11. Medication Administration

- a. No medication or special medical procedure shall be administered to a child unless authorized in writing by the parent.
- b. Such authorization shall include the name of the child, drug name and strength, date(s) to be administered, directions for use, including route, dosage, frequency, time and special instructions if applicable, signature of parent and date of signature.

c. Supplements. Children shall not be administered any form of supplements without prior written parental authorization.

12. Immunizations. Obtain satisfactory evidence of immunization against, or an immunization program in progress, for vaccine-preventable diseases for each child in care, according to the schedule approved by the Office of Public Health, Department of Health and Hospitals:

- a. if vaccination is contraindicated for medical reasons, the parent shall provide a written statement from a physician indicating said medical reasons; or
- b. if the parent objects to the immunizations for any other reason, the parent shall provide a written statement of dissent.

13. Hazardous Materials and Other Items Harmful to Children. Items such as medications, poisons, cleaning supplies and chemicals, equipment, tools, knives, and other potentially dangerous utensils that can be harmful to children shall be kept in a locked cabinet or other secure place that ensures items are inaccessible to children.

14. Building and Physical Premises. Identify and protect children from safety hazards in the residence and on the premises, such as uncovered electrical outlets, strings and cords, bodies of water, and vehicular traffic.

15. Emergency Preparedness Disaster Plan. Develop, practice, train on, and follow, a written emergency preparedness disaster plan that includes at a minimum:

- a. procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, continuity of operations, accommodation of infants

and toddlers, children with disabilities, and children with chronic medical conditions;

- b. procedures for all adults living in, working in, or working on the residence or property where care is provided; and

c. posting in a visibly accessible area all appropriate emergency phone numbers, such as fire and police, hospitals and Louisiana Poison Control, as well as the physical address and phone number for the residence in which care is provided.

16. First Aid Supplies. Maintain first aid supplies at the center.

17. Supervision. Children shall be supervised at all times in the facility, in the yard, on field trips, on non-vehicular excursions, and during all water activities and water play activities.

18. Behavior Management

a. Center shall develop, implement and follow a written behavior management policy describing the methods of behavior guidance and management that shall be used at the center.

- b. The behavior management policy shall prohibit:

- i. physical or corporal punishment which includes but is not limited to yelling, slapping spanking, yanking, pinching or other measures producing physical pain, putting anything in the mouth of the child, requiring a child to exercise, or placing a child in an uncomfortable position;

- ii. verbal abuse;

- iii. the threat of prohibitive action even if there is no intent to follow through with the threat;

- iv. being disciplined by another child, being bullied by another child or being deprived of food or beverages;

- v. being restrained in high chairs or feeding tables for disciplinary purposes; and

- vi. having active play time withheld for disciplinary purposes.

- c. Time out:

- i. time out shall not be used for children under age two;

- ii. a time out shall take place within sight of staff; and

- iii. the length of each time out shall be based on the age of the child and shall not exceed one minute per year of age.

19. Child to Staff Maximum Ratios. The maximum child to staff ratios are as follows.

EDUCATION

Maximum Child-to-Staff Ratios	
Ages of Children	Ratio
3 years	13:1
4 years	15:1
5 years	19:1
6 years and up	23:1

20. Group Size. The maximum group sizes are as follows.

Maximum Group Sizes	
Age of Children	Maximum Group Size
3 years	26
4 years	30
5 years	38
6 years and up	46

21. Health-Related Policies. The center shall have a written copy of all health-related policies including policies regarding accidents, allergic reactions, fever, illness, immunizations, and infection and injuries, and shall provide a copy to the parent or guardian of each child in care.

22. Immediate Parental Notification. The parent shall be immediately notified in the following circumstances:

- a. blood not contained in an adhesive strip;
- b. head or neck or eye injury;
- c. human bite that breaks the skin;
- d. animal bite;
- e. impaled object;
- f. broken or dislodged teeth;
- g. allergic reaction skin changes (e.g. rash, spots, swelling, etc.);
- h. unusual breathing;
- i. symptoms of dehydration;
- j. temperature reading over 101 degrees oral, 102 degrees rectal, or 100 degrees axillary; or
- k. injury or illness requiring professional medical attention.

23. Biocontaminants. Staff shall properly dispose of all biocontaminants to safeguard against the spread of infectious disease.

- a. Discard disposable rubber gloves that come into contact with a biocontaminant after each use.
- b. Discard tissues, paper towels, disposable wipes, and similar products that come into contact with a biocontaminant after each use.
- c. Place soiled disposable diapers in a closed container that is lined with a leak-proof or impervious lining, remove the soiled disposable diapers from the facility, and place them in a closed garbage receptacle outside the building on a daily basis.

d. Place soiled non-disposable diapers in a sealed plastic container that has been labeled with the child's name and return these diapers to the child's parent at the end of the day.

e. Place soiled clothes in a sealed plastic container that has been labeled with the child's name and return the clothes to the child's parent at the end of the day or launder the clothes at the facility.

f. Sheets and coverings shall be changed immediately when soiled or wet.

24. Inspections. Allow inspection of the facility where care is provided by LDE staff and other authorized inspection personnel during normal working hours and when children are in care.

25. Monitoring. LDE will monitor compliance at a minimum annually.

26. Cumulative File. A cumulative file that shall include an information form, written authorization for emergency medical treatment, individuals to whom the child may be released, and special dietary requirements shall be maintained on each child.

a. The information form shall be signed and dated by the parent and updated as changes occur. The form shall contain the name of the child, date of birth, sex, date of admission, the name of parents, the home address of both child and parents, the phone numbers where parents may be reached while the child is in care, the name and phone number of the person to contact in an emergency if parents cannot be located promptly, any special concerns, including but not limited to allergies, chronic illnesses, and any special needs of the child, if applicable, and any special dietary needs, restrictions or food allergies, or intolerances, if applicable.

b. Emergency medical treatment written authorization shall be signed and dated by the parent to secure emergency medical treatment.

c. Written authorization for child release shall be signed and dated by the parent noting the first and last names of individuals to whom the child may be released other than the parents, and any person or persons who may remove the child from the home.

i. The parent may further authorize additional individuals via a text message, fax, or email to the provider in unplanned situations and follow it with written authorization.

ii. A child shall never be released to anyone unless authorized in writing by the parent.

iii. Any additions and deletions to the list of authorized individuals shall be signed and dated by the parent.

iv. The provider shall verify the identity of the authorized person prior to releasing the child.

d. Special Diets

i. A parent may request in writing special diet adjustments (i.e. no milk on a particular day).

ii. If a center is on the Child and Adult Care Food Program (CACFP), a written statement from a health care provider and the parent is required when the child requires a special diet for medical reasons if the meal is to be reimbursed by CACFP.

iii. Information regarding food allergies and special diets of children shall be posted in the food preparation area with special care taken to ensure that individual names of children are not in public view. If a parent chooses to allow the provider to post the child's name and allergy information in public view, a signed and dated authorization from the parent shall be obtained.

27. Shaken Baby Syndrome, Abusive Head Trauma, and Child Maltreatment. The provider shall maintain policy and procedures to identify, prevent, and respond to shaken baby syndrome, abusive head trauma, and child maltreatment.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2113 (October 2015), amended LR 42:2174 (December 2016), LR 44:261 (February 2018), effective March 1, 2018, amended LR47:1284 (September 2021), LR 49:1209 (July 2023), LR 50:971 (July 2024).

### **§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*.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2113 (October 2015), amended LR 44:261 (February 2018), effective March 1, 2018.

### **§317. Individuals and Entities Categorically Ineligible for Certification as CCAP Providers**

A. The following entities and individuals are categorically ineligible for certification as CCAP providers:

1. type I and type II early learning center; or
2. child care providers providing care outside of the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2114 (October 2015).

### **§319. Caregiver's Ineligibility for CCAP Payments**

A. A caregiver, even if certified to receive CCAP, may not receive CCAP payments for the caregiver's own children or other children in the caregiver's custody.

1. Exception. A caregiver may receive CCAP payments for foster children in the caregiver's custody.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:6 and 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2114 (October 2015), amended LR 45:1745 (December 2019).

### **§320. Suspension of Payments to Providers**

A. When the LDE determines a provider is not in compliance with an administrative requirement, the LDE may send written notice by mail or email informing the provider of the administrative noncompliance and requiring that the provider come into compliance.

B. If the provider does not come into compliance within 14 calendar days of such notice, the LDOE may suspend payments to the provider until the provider is in compliance.

C. The LDE shall notify the provider by email or fax that it has suspended the provider's payments within two calendar days of suspending the payments and shall include language informing the provider that it has an additional 14 calendar days in which to come into compliance or its certification may be terminated in accordance with §321.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1280 (July 2017), amended LR 50:971 (July 2024).

### **§321. Termination or Refusal of Renewal of Certification and Ineligibility Periods for Providers**

A. The department may terminate or refuse renewal of a provider's certification and impose a period of ineligibility on the provider for program violations, which include but are not limited to the following:

1. violation of any provision of this Chapter;
2. violation of any terms of the CCAP provider agreement;
3. any 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;
4. failure to take steps or actions necessary to ensure the health, safety and well-being of children in care;
5. failure to report a known or suspected incident of abuse or neglect to child welfare authorities;
6. denial of center access to department staff or representatives or failure or refusal to cooperate with department staff in the performance of official duties;

7. failure to timely comply with a corrective action plan approved by the department;

8. failure to timely return any overpayment of child care assistance funds; or

9. failure to make timely restitution.

B. When certification is terminated or renewal is refused, the department shall provide written notice to the provider of the termination or denial of renewal, and of the provider's ineligibility period, which may be 12 months, 24 months, or permanently.

C. Where the department determines a violation need not result in the termination of or refusal to renew the provider's certification, the department may:

1. for the first violation, issue a written notice of violation that informs provider that continued or additional violations may result in the termination or refusal to renew certification and a period of ineligibility;

2. for the second violation, issue a second written notice of violation that includes a corrective action plan (CAP) that outlines the required actions that must be implemented or completed immediately and notice that failure to timely complete the CAP or additional or continued violations may result in the termination or refusal to renew certification and a period of ineligibility; and

3. for the third violation, terminate certification and impose a period of ineligibility of 12 months, 24 months or permanently.

D. If certification is terminated or renewal is refused, the action shall become effective when the provider is notified in writing. The written notice shall give the reason for termination or refusal to renew certification.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2114 (October 2015), amended LR 42:2175 (December 2016).

## Chapter 5. CCAP Household Eligibility

### §501. Certification of Household Eligibility for Participation in CCAP

A. The household in which a child in need of child care resides must be certified by the department as eligible for participation in the Child Care Assistance Program (CCAP) in order to have CCAP payments made to a child care provider for the care of the child. No CCAP payments may be made for care of the child until the household in which the child resides is certified by the department.

B. To be certified as a CCAP household, a household must meet all eligibility requirements set forth in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2114 (October 2015), amended LR 42:43 (January 2016).

### §503. Children Eligible for CCAP

A. A child is eligible for CCAP if the child:

1. is in need of child care;

2. is under age 13, or is age 13-17 and physically or mentally incapable of caring for himself or herself, as verified by a physician or certified psychologist, or by receipt of supplemental security income (SSI), or who is under court supervision;

3. customarily resides more than half the time with the person (head of household) who is applying for CCAP. A child is still considered to be residing with the head of household for up to six weeks of scheduled absences from the home or early learning center, if there are definite plans for the child to return to the home or early learning center;

4. is either a United States citizen or a qualified alien; and

5. is age-appropriately immunized according to the schedule of immunizations promulgated by DHH, Office of Public Health, or is in the process of receiving all age-appropriate immunizations, except that:

a. no child is required to comply with this Subparagraph if the child or his or her parent submits a written statement from a physician indicating that immunizations are contraindicated for medical reasons, or if the child or his or her parent objects to the immunizations on religious grounds;

b. verification of a child's age and immunization record may be waived for 90 days from the date the household is certified as eligible for participation in CCAP, if all members of the household meet the definition of *homeless* provided in §103, as long as all other eligibility requirements provided in this Section are met.

B. The department shall work with members of the Early Childhood Care and Education Advisory Council to develop a proposal related to the CCAP eligibility requirements and payments for children with special needs by March 2016.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016).

### §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 participating in the Strategies to Empower People (STEP) Program; or

2. children in foster care.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2115 (October 2015), amended LR 42:43 (January 2016), LR 44:261 (February 2018), effective March 1, 2018.

**§507. Certification Requirements for Categorically Eligible Households**

A. To be certified as a CCAP household, categorically eligible households must:

1. include at least one child who is eligible for CCAP as provided in §503.A;
2. reside in Louisiana;
3. participate in the system designated by the LDOE for capturing time and attendance; and
4. be current on payment of CCAP co-payments to any current or former provider and provide documentation needed to verify that no co-payments are owed to any provider when:
  - a. the household submits notice of a change in provider; and
  - b. a provider reports that the household owes co-payments.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016), amended LR 50:971 (July 2024).

**§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:

1. include at least one child who is eligible for CCAP as provided in §503.A;
2. meet all criteria provided in §507.A;
3. have household income that does not exceed 85 percent of the state median income for a household of the same size. *Household income* is defined as:
  - a. the gross earnings of the head of household, that person's legal spouse or non-legal spouse, and any MUP who is not legally emancipated and whose children are in need of CCAP care, with the exception of income from:
    - i. Corporation for National and Community Service (CNCS);
    - ii. college work study; and
    - iii. disaster-related employment;
  - b. recurring unearned income of the following types for all household members:
    - i. Social Security Administration benefits;
    - ii. supplemental security income;
    - iii. Veterans' Administration benefits;

- iv. retirement benefits;
- v. disability benefits;
- vi. child support or alimony;
- vii. unemployment compensation benefits;
- viii. adoption subsidy payments; and
- ix. workers' compensation benefits;

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

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.

5. training or employment activities.

a. Unless disabled as established by receipt of Social Security Administration disability benefits, supplemental security income, Veterans' Administration disability benefits for a disability of at least 70 percent, or unless disabled and unable to care for his or her child(ren), as verified by a doctor's statement or by worker determination, the head of household must meet the training or employment activity requirements of:

i. being employed for a minimum average of 20 hours per week and all countable employment hours must be paid at least at the federal minimum hourly wage;

ii. attending a job training or educational program for a minimum average of 20 hours per week (attendance at a job training or educational program must be verified, including the expected date of completion); or

iii. being enrolled as a full-time student in an education or training program resulting in a degree or certificate designed to promote job skills and employability. Full-time status is determined by the institution, which must be accredited by the state of Louisiana or a national organization:

(a) the LDE shall review documentation provided by the institution and verify that it is an education or training program providing degrees or certificates designed to promote job skills and employability. Full-time status at an institution that does not promote job skills and employability may not meet the activity requirements of this Paragraph;

iv. being engaged in some combination of employment which is paid at least at the federal minimum hourly wage, or job training, or education as defined in Subparagraph b of this Paragraph that averages at least 20 hours per week.

b. Exception. The employment and training activity requirements provided in this Paragraph may be waived for parents or persons acting as parents who are experiencing homelessness and who demonstrate that they are seeking

employment or participating in a transitional living program as defined in §103.

c. Exception. If the number of children served drops below 12,500 and funding is available, the 20-hour training or employment requirement referenced in this Section may be reduced by the department until 12,500 children are being served.

d. Exception. The employment and training activity requirements provided in this Paragraph may be reduced to an average of 15 hours per week for households that qualify for special needs child care.

e. Exception. If the head of household is actively seeking employment and/or training, the employment and/or training requirements for household certification provided for in this Paragraph may be waived for 90 days.

i. To become certified as a CCAP household in accordance with this exception, the household must meet all certification requirements in this Section other than the employment and/or training activities required in this Paragraph, and must submit all documentation required for certification, as well as documentation establishing that the head of household is actively seeking employment and/or training.

ii. A household certified for CCAP in accordance with this exception will be certified for 90 days, beginning on the day the household is certified. At the end of 90 days from the date of certification, certification under this exception ends. However, during the 90-day certification period, if the head of household submits documentation establishing employment and/or training, meeting the requirements in Subparagraph a of this Paragraph, then the household may continue to be certified without interruption in accordance with the general certification requirements in this Section.

iii. An application for household certification under this exception will be denied if the household has previously been certified under this exception within the past 24 months.

6. A child must have attended at least one day of care with a certified provider during each month in order for the household to remain certified for that child.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 and 17:407.28. and 45 CFR Parts 98 and 99.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016), amended LR 42:2175 (December 2016), LR 44:261 (February 2018), effective March 1, 2018, LR 45:900 (July 2019), LR 46:1373 (October 2020), LR 47:573 (May 2021), LR 48:31 (January 2022), LR 48:1270 (May 2022).

### **§511. Household Certification Period**

A. Eligible households may be certified for up to 24 months.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 and 17:407.28. and 45 CFR Parts 98 and 99.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 42:44 (January 2016),

amended LR 42:2176 (December 2016), LR 44:801 (April 2018), LR 45:900 (July 2019).

### **§512. Redetermination of Household Certification for Non-Categorically Eligible Households**

A. A redetermination of eligibility for child care services shall be made prior to the expiration of certification period, but no sooner than 12 months following the initial determination or most recent redetermination.

B. Graduated Phase-Out. At the time of redetermination, households whose income has risen above the initial state threshold for eligibility but remain below the federal threshold for eligibility of 85 percent of state medium income, shall be eligible for 12 additional months of child care services as part of a graduated phase-out.

**AUTHORITY NOTE:** Promulgated in accordance with 45 CFR Parts 98 and 99 and R.S. 17:407.28.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 44:801 (April 2018).

### **§513. Prioritization of Funding and Waiting List [Formerly §509]**

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;
2. children in foster care;
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. A statewide waiting list of eligible households 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.

D. The department has the authority to implement an application freeze based on the lack of available child care funds to operate CCAP.

**AUTHORITY NOTE:** Promulgated in accordance with 45 CFR Parts 98 and 99 and R.S. 17:407.28.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 41:2116 (October 2015), amended LR 42:44 (January 2016), LR 44:261 (February 2018), effective March 1, 2018.

### **§515. Payments Made on Behalf of Households**

A. The state maximum daily rates for CCAP care are as follows.

Child Care Provider Type	Regular Care	Regular Care for Toddlers	Regular Care for Infants	Special Needs Care Incentive	Special Needs Care Incentive for Toddlers	Special Needs Care Incentive for Infants
Type III Early Learning Center	\$31.50	\$42.00	\$68.00	\$39.69	\$52.92	\$85.68
School Child Care Center	\$24.00	\$24.00	\$24.00	\$30.24	\$30.24	\$30.24
Family Child Care Provider	\$29.00	\$42.00	\$61.00	\$36.54	\$52.92	\$76.86
In-Home Provider	\$25.00	\$25.25	\$26.65	\$31.50	\$31.82	\$33.58
Military Child Care Centers	\$31.50	\$42.00	\$68.00	\$39.69	\$52.92	\$85.68

**B. Categorically Eligible Households**

1. Payments made to providers on behalf of categorically eligible households will be the state maximum daily rate for CCAP care as provided in Subsection A of this Section.

2. The number of days or hours authorized for payment is based on full-time or part-time authorizations.

**C. Non-Categorically Eligible Households**

1. Payment made to providers on behalf of non-categorically eligible households will be determined using a sliding fee scale based on a percentage of state median income and federal poverty levels. The sliding fee scale will be revised on an annual basis to the extent that funds are available.

2. A non-categorically eligible household shall pay a portion of its monthly child care costs in accordance with the sliding fee scale, and this portion will be referred to as a “co-payment.”

a. Co-payments may be waived and paid from COVID-19 recovery funds, where available.

3. Payments made to providers on behalf of non-categorically eligible households will be a portion of the state maximum daily rate for CCAP care as provided in Subsection A.

D. Payment for voucher seats is made to the provider after the child care has been provided.

E. Payment may be made to more than one provider for the same child if the combined payment does not exceed the maximum allowable per child.

F. Payment will not be made to the provider for an unauthorized child.

G. Registration Fees. Payments for registration fees will be made to providers on behalf of all households once per

certification period. Allowable registration fees are based on the amount recorded in the provider certification agreement or the current market rate, whichever is lower.

**H. Payment for contracted seats.**

1. Providers will be paid to reserve or hold a seat based on the approved age category for the designated seat.

2. The seat may be held and payment made for 45 calendar days prior to being filled.

3. After 45 calendar days, the contract for the seat will no longer be in effect, and the provider will not be paid to hold the seat.

4. The seat will be paid at the rate specified in the agreement with the provider for the length of the contract based on the age of the child at the contract start date.

5. Payments for contracted seats will be made prior to provision of child care services. Any payments made for contracts that are not filled will be rectified through the LDOE recoupment process.

6. The LDOE may terminate or refuse renewal of a provider’s contracted seats and impose a period of ineligibility for any provider found to operate in violation of the CCAP provider agreement and will be subject to §321 of this Part.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:6 and 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2116 (October 2015), amended LR 42:44 (January 2016), LR 42:1870 (November 2016), LR 44:801 (April 2018), LR 45:1745 (December 2019), LR 47:573 (May 2021), LR 48:31 (January 2022), LR 48:1270 (May 2022), LR 50:971 (July 2024).

**§517. CCAP Household Reporting Requirements [Formerly §507]**

A. A CCAP household shall report any change that affects CCAP eligibility or the calculation of the amount of the monthly CCAP payment.

B. Changes in the following shall be reported within 10 days of knowledge of the change:

1. changes in the household’s gross monthly income, if the household’s gross monthly income changes to more than 85 percent of state medium income;
2. a change in provider; or
3. a child receiving CCAP leaves the household.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2116 (October 2015), amended LR 42:45 (January 2016).

**§519. Termination or Refusal of Renewal of Household Certification and Ineligibility Periods for Households**

A. The department may terminate or refuse renewal of a household’s certification and impose a period of ineligibility



on the household for program violations, which include but are not limited to the following acts by a member of the household:

1. violation of any provision of this Chapter;
2. any 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;
3. failure to timely repay payment made to a provider on behalf of the ineligible household; or
4. failure to make timely restitution.
5. excessive absences;
6. excessive back scanning.

B. When a household's certification is terminated or renewal is refused, the department shall provide written notice to the household of the termination or denial of renewal, and of the household's ineligibility period, which may be up to 24 months or permanently.

C. If a household's certification is terminated or renewal is refused, the action shall become effective when the household is given written notice. The written notice shall give the reason for termination or refusal to renew certification and the period of ineligibility imposed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:45 (January 2016), amended LR 44:801 (April 2018), LR 48:31 (January 2022).

**§521. Recovery of Payments Made on Behalf of Ineligible Households [Formerly §511]**

A. All CCAP payments made on behalf of ineligible households are subject to action to recover the payments, with the exception of inadvertent household and administrative error claims in the amount of \$125 or less for households who are not currently participating in CCAP.

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;
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 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.

D. The department has the authority to implement an application freeze based on the lack of available child care funds to operate CCAP.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2116 (October 2015), amended LR 42:45 (January 2016), LR 44:261 (February 2018), effective March 1, 2018.

## **Chapter 7. Administration of School Readiness Tax Credits**

### **§701. General School Readiness Tax Credit Provisions**

A. For purposes of the tax credits provided in R.S. 47:6101-6109, a child is deemed to be five years of age or less if the child is five years of age or less on any day of the taxable year for which a credit is claimed.

B. The term "business" as used in this Chapter means any for-profit or not-for-profit entity not including any individual operating in their personal capacity.

C. The credits provided for in R.S. 47:6101-6109 are applicable against individual income tax and corporation income and franchise tax but not against income taxes imposed on estates and trusts.

D. For purposes of this chapter and Chapters 9 and 11 of this Bulletin, the term *child care facilities* means any licensed Type III early learning center or registered and CCAP-certified family child care home that has current academic approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2117 (October 2015), LR 48:1006 (April 2022).

### **§703. Child Care Facility Expense Tax Credit**

A. The Department of Revenue shall make available to qualifying child care facilities a credit certificate to be given to each taxpayer claiming the child care facility expense tax credit. The credit certificate will consist of child care facility portion of the certificate and a taxpayer portion of the certificate.

B. The child care facility shall complete the child care facility portion of the credit certificate and shall submit the certificate to each taxpayer who had a child at the child care facility during the calendar year no later than January 31 of the succeeding year. The child care facility portion of the credit certificate will include, but not be limited to, the following information: the child care facility name, the child care facility star rating, the child care facility Louisiana tax

identification number, the Louisiana early learning center license number or the certified family child care provider number from the department, the name of the child attending the child care facility, and the issue date and effective year. The child care facility shall submit to the Department of Revenue a list of all taxpayers to whom a certificate was issued.

C. The taxpayer shall complete the taxpayer portion of the certificate which will include, but not be limited to, the following information: the name and Social Security number of the taxpayer claiming the credit; and the name, Social Security number and date of birth for the qualifying child for whom this credit is claimed on the tax return. The taxpayer must submit or maintain the certificate as required by the secretary of the Department of Revenue in forms and instructions.

D. The department shall provide information necessary for the secretary of the Department of Revenue to determine the child care facility's quality rating.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2117 (October 2015), LR 48:1006 (April 2022).

#### **§705. Child Care Facility Tax Credit**

A. The average monthly number of children as used in R.S. 47:6105 is to be determined on a calendar year basis, and the child care facility shall claim the credit for the tax year that includes December 31. The child care facility tax credit will be calculated based on the average monthly number of children participating full-time in CCAP or the foster care program, from January to December of a calendar year, as follows:

1. full-time participation is considered when CCAP or foster care program pays for at least 12 days of service per child during the month; or

2. part-time participation is considered when CCAP or Foster Care Program pays for at least 40 hours of service per child during the month; or

3. part-time participation is considered when CCAP or foster care program pays for at least 5 days but no more than 11 days of service per child during the month; or

4. two part-time participants are considered one full-time participant for purposes of this calculation.

B. The department shall provide documentation to each qualifying child care facility of the average monthly number of children participating in CCAP or in the foster care program. If the child care facility has multiple sites, the department shall provide this information for each site. The certificate shall be delivered or mailed to all qualifying child care facilities by March 1 of the year following the year the credit is earned. The certificate shall include, but not be limited to, the following information: the child care facility name, the child care facility star rating, the early learning center license number or the family child care provider

number, and the issue date and effective year from the department.

C. Child care facilities that operate as a corporation or sole proprietorship shall submit or maintain the credit certificate as required by the secretary of the Department of Revenue in forms and instructions.

D. For child care facilities that operate as flow-through entities such as partnerships, LLCs electing partnership treatment, or S corporations passing credits through to shareholders, every partner, member, or shareholder claiming the credit must submit or maintain copies of the information issued by the department for each site. Every partner, member, or shareholder claiming the credit must submit or maintain a schedule showing how the total credit is allocated to each partner, member or shareholder.

E. The department shall provide information necessary for the secretary of the Department of Revenue to determine and/or verify the child care facility's quality rating.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2118 (October 2015), LR 48:1007 (April 2022).

#### **§707. Credit for Child Care Facility Directors and Staff**

A. The department shall provide information necessary for the secretary of the Department of Revenue to determine and/or verify the director and staff levels for earning the credit.

B. In order to claim this credit, the department or their representative must provide child care facility directors and staff members with a certificate no later than January 31 that states which level of qualification the employee meets according to the criteria established by the department. The taxpayer must submit or maintain the certificate as required by the secretary of the Department of Revenue in forms and instructions.

C. Each child care facility director and staff member will also have to verify that he/she has worked at the same child care facility for at least six months in the calendar year and for an average of at least 30 hours per week, unless otherwise approved by the LDE.

1. Due to the COVID-19 pandemic, for the 2020 calendar year, a facility director or staff member will only have to verify that he/she has worked at the same child care facility or at least 300 hours in the calendar year in order to meet the work requirement in this Subsection.

D. Child care facility director and staff levels will have such meaning as provided by regulation issued by the department.

E. The maximum number of directors at an child care facility site who may receive the director credit in any given year is based on licensed capacity of the child care facility as indicated below.

Licensed Capacity	Maximum Number of Directors
15 or fewer children	1
16-50 children	2
51-100 children	3
101-200 children	4
201 or more children	5

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2118 (October 2015), amended by the Board of Elementary and Secondary Education LR 43:1280 (July 2017), LR 47:452 (April 2021), repromulgated LR 47:574 (May 2021), LR 48:1007 (April 2022)

**§709. Business-Supported Child Care Facility Credits**

**A. Business Child Care Facility Expense Credit**

1. In order for a business to claim this credit, the business must provide the Department of Revenue the following information: the name and Louisiana revenue tax identification number of the child care facility to or for whom the eligible expenses were paid or made, the amount and nature of qualifying expenses at each child care facility as defined in R.S. 17:407.33, and the child care facility’s quality rating.

2. The department shall provide information necessary for the secretary of the Department of Revenue to determine and/or verify the child care facility’s quality rating.

**B. Payments and Donations to Child Care Resource and Referral Agencies**

1. In order for a business to claim this portion of the business child care expense credit, the taxpayer must provide the Department of Revenue a receipt from the child care resource or referral agency for the amount of money the taxpayer paid and/or donated during the taxable year.

2. If the child care resource or referral agency is part of a larger charitable organization, only fees and/or donations made to the child care resource or referral agency division of that organization will qualify for this credit.

3. The department shall provide to the Department of Revenue a list of qualifying child care resource or referral agencies for each calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2118 (October 2015), LR 48:1007 (April 2022).

**Chapter 9. Louisiana Pathways Early Learning Center Career Development System (LA Pathways)**

**§901. Authority**

A. The Louisiana pathways child care facility career development system (LA pathways) is the state practitioner registry maintained by the LDE or its contractor. LA pathways offers child care facility staff, including directors, teachers, assistant teachers and other classroom staff, a formal mechanism to track their training, educational attainment and experience in the field of early childhood care and education.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, R.S. 17:407.26, and R.S. 47:6101 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2119 (October 2015), amended LR 43:1281 (July 2017), LR 48:1008 (April 2022).

**§902. Definitions**

*Administrator Certificate*—certificate awarded to a director who has 75 clock hours in approved administrative training categories or two college courses in administration.

*Administrator Track for LA Pathways*—professional career ladder registry designed for administrators in child care facilities that recognizes individuals based on the educational attainment and professional participation.

*Approved Administrative Training Categories*—training categories that promote and support administrative skills for directors, as approved by LA pathways.

*Approved Core Knowledge (CDA) Subject Areas*—subject areas approved by the Council for Professional Recognition to count towards the CDA credential.

*Approved Early Childhood Diploma*—early childhood career diploma approved by LA pathways.

*CDA Credential*—see *child development associate credential*.

*Child Development Associate (CDA) Credential*—nationally recognized credential in early childhood education administered by the Council for Professional Recognition.

*Classroom Track for LA Pathways*—professional career ladder registry designed for classroom staff within early learning centers that recognizes individuals based on the educational attainment and commitment to the field.

*Early Childhood Ancillary Certificate*—certificate issued by the LDE that allows a qualified person to act as a lead teacher within a type III early learning center or family child care home.

*Early Childhood Professional Organization*—organization that provides professional training or advocacy opportunities for individuals in the early childhood field.

*Family Child Care Staff Track for LA Pathways*—professional career ladder registry designed for family child

care providers that recognizes individuals based on the educational attainment and commitment to the field.

*LA Pathways*—see Louisiana pathways early learning center career development system.

*Louisiana Pathways Early Learning Center Career Development System (LA Pathways)*—state practitioner registry maintained by the LDE or its contractor that registers care facility directors and staff based on training, education, experience and professional activities.

*National Administrator Credential*—administrator credential issued by a national organization recognized by LA pathways

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, R.S. 17:407.26, and R.S. 47:6101 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, amended LR 43:1281 (July 2017), LR 48:1008 (April 2022), LR 48:2550 (October 2022).

### **§903. Participation in LA Pathways**

A. An individual working or planning to work in the child care facility industry as a director of a child care facility is eligible to enroll in LA pathways upon successful submission of an application and the required documents to LA pathways.

B. An individual working or planning to work in the child care facility industry as a staff member of a child care facility is eligible to enroll in LA pathways upon successful submission of an application and the required documents to LA Pathways.

C. LA pathways will register child care facility directors and staff according to requirements based on training and education, experience, and professional activities, as approved by the LDE. Participation is voluntary.

D. The state superintendent of education, pursuant to authority delegated by BESE, may waive compliance with a requirement in this Chapter when the superintendent determines that the economic or adverse impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff and children are not imperiled. When the individual has been determined to have met or exceeded the intent of a requirement, the requirement may be deemed met. The decision to grant or deny a waiver rests with the sole discretion of the state superintendent.

E. Training, Education, Experience, and Professional Activity Requirements for the Administrator Track for LA Pathways through December 31, 2017

1. Assistant Director I—annual training as required by early learning center licensing regulations in LAC 28:CLXV.139; no experience required; and encouraged to participate in an early childhood professional organization.

2. Assistant Director II—60 clock hours in approved core knowledge CDA subject areas including 6 hours in regulations; minimum of six months experience; and encouraged to participate in an early childhood professional organization.

3. Assistant Director III—90 clock hours in approved core knowledge CDA subject areas including 15 hours in approved administrative training categories; minimum of one year experience; and encouraged to participate in an early childhood professional organization.

4. Director—training and experience as required by early learning center licensing regulations in LAC 28:CLXV.139; and encouraged to participate in an early childhood professional organization.

5. Director I—CDA credential or approved early childhood diploma; and 30 clock hours in approved administrative training categories, related associate degree, or 30 hours toward associate degree with four college courses in early childhood/child development; minimum one year of experience; and membership in an early childhood professional organization.

6. Director II—CDA credential or approved early childhood diploma; and 45 clock hours in approved administrative training categories/national administrative credential, associate degree in early childhood/child development, related associate degree with four college courses in early childhood/child development, or related bachelor's degree with three college courses in early childhood/child development; minimum 18 months experience; and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference, participating as a CDA advisory/mentor, or attendance at a conference or professional event.

7. Director III—administrator certificate; and CDA credential or approved early childhood diplomas, associate degree in early childhood/child development, bachelor's degree in early childhood/child development of which three courses focus on infants and toddlers, or related bachelor's degree with six college courses in early childhood/child development of which three courses focus on infants and toddlers; minimum two years of experience, and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference, participating as a CDA advisory/mentor, or attendance at a conference or professional event.

8. Director IV—administrator certificate; and master's degree in early childhood/child development or early childhood administration of which three courses focus on infants and toddlers, or related master's degree with eight college courses in early childhood/child development of which three courses focus on infants and toddlers; minimum of two years of experience; and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference, participating as a CDA advisory/mentor, or attendance at a conference or professional event.

9. In order to receive an administrator certificate, 75 clock hours of instruction in approved administrative training categories are required. Two college courses in

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approved administration can be substituted for the administrator certificate.

F. Training, Education, and Professional Activity Requirements for the Administrator Track for LA Pathways beginning January 1, 2018

1. Director I—CDA credential, early childhood ancillary certificate, or approved early childhood diploma; and 30 clock hours in approved administrative training categories, related associated degree, or 30 hours in early childhood or child development; and membership in an early childhood professional organization.

2. Director II—CDA credential, early childhood ancillary certificate, or approved early childhood diploma; and 45 clock hours in approved administrative training categories/national administrative training categories/national administrative credential, associate degree in early childhood/child development, related associate degree with four college courses in early childhood/child development, related bachelor's degree with three college courses in early childhood/child development, or meets other director qualifications in LAC 28:CLXV.139 and has been a director for at least one year at an early learning center with a 3-star quality rating on July 1 of the calendar year in which credit may be claimed; and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference, participating as a CDA advisory/mentor, or attendance at a conference or professional event.

3. Director III—CDA credential and administrator certificate, early childhood ancillary certification or approved early childhood diplomas and administrator certificate, associate degree in child development/early childhood and administrator certificate, bachelor's degree in early childhood/child development and administrator certificate, related bachelor's degree with six college courses in early childhood or child development and administrator certificate, or meets director qualifications in LAC 28:CLXV.139 and has been a director for at least one year of an early learning center with a 4-star rating on July 1 of the calendar year in which the credit may be claimed; and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference, participating as a CDA advisory/mentor, or attendance at a conference or professional event.

4. Director IV—master's degree in early childhood/child development/early childhood administration and administrator certificate, or related master's degree with eight college courses in early childhood/child development and administrator certificate, or meets director qualification in LAC 28:CLXV.139 and has been the director for at least one year at an early learning center with a 5-star rating on July 1 of the calendar year in which the credit may be claimed; and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference,

participating as a CDA advisory/mentor, or attendance at a conference or professional event.

G. Training, Education, Experience, and Professional Activity Requirements for the Early Learning Center Classroom Track for LA Pathways through December 31, 2017

1. Staff I—as required by early learning center licensing regulations in LAC 28:CLXV.139; no experience required; and encouraged to participate in an early childhood professional organization.

2. Staff II—12 clock hours of instruction in approved core knowledge CDA subject areas; minimum six months of experience; and encouraged to participate in early childhood professional organization.

3. Staff III—30 clock hours of instruction in approved core knowledge CDA subject areas; minimum one year of experience; and encouraged to participate in early childhood professional organization.

4. Staff IV—60 clock hours of instruction in approved core knowledge CDA subject areas; minimum one year experience; and encouraged to participate in early childhood professional organization.

5. Assistant Teacher I—90 clock hours of instruction in approved core knowledge CDA subject areas; minimum one year of experience; and encouraged to participate in early childhood professional organization.

6. Assistant Teacher II—120 clock hours of instruction in approved core knowledge CDA subject areas; minimum one year of experience; and encouraged to participate in early childhood professional organization.

7. Teacher I—CDA credential or approved early childhood diploma; minimum one year of experience; and encouraged to participate in early childhood professional organization.

8. Teacher II—CDA credential or approved early childhood diploma; and nine CEUs or two early childhood college courses, 30 hours toward associate degree with four college courses in early childhood/child development, or related associate degree; minimum two years of experience; and membership in an early childhood professional organization and service to the profession such as committee or board membership, service as a CDA advisory or mentor, attendance at a professional conference or event, conference presentation, or advocacy and leadership activities.

9. Teacher III—associate degree in early childhood/child development, related associate degree with four college courses in early childhood/child development, bachelor's degree in early childhood or child development, or related bachelor's degree with three college courses in early childhood/child development; minimum two years of experience; and membership in an early childhood professional organization and service to the profession such as committee or board membership, service as a CDA advisory or mentor, attendance at a professional conference

or event, conference presentation, or advocacy and leadership activities.

10. Teacher IV—bachelor’s degree in early childhood/child development of which three college courses focus on infants and toddlers, or related bachelor’s degree with six early childhood/child development college courses of which three focus on infants and toddlers; minimum two years of experience; and membership in an early childhood professional organization and service to the profession such as committee or board membership, service as a CDA advisory or mentor, attendance at a professional conference or event, conference presentation, or advocacy and leadership activities.

11. Master Teacher—graduate degree in early childhood/child development, or unrelated graduate degree with four early childhood/child development college courses; minimum two years of experience; and membership in an early childhood professional organization and service to the profession such as committee or board membership, service as a CDA advisory or mentor, attendance at a professional conference or event, conference presentation, or advocacy and leadership activities.

H. Training and education requirements for the Early Learning Center Classroom Track for LA Pathways beginning January 1, 2018 through December 31, 2018:

1. Assistant Teacher—80 clock hours of instruction in approved core knowledge CDA subject areas.

2. Teacher I—CDA credential or approved early childhood diploma.

3. Teacher II—CDA credential, approved early childhood diploma and nine CEUs or two early childhood college courses, 30 hours toward associate degree with four college courses in early childhood/child development, related associate degree, or Early Childhood Ancillary Certificate.

4. Teacher III—associate degree in early childhood/child development; or related associate degree with four college courses in early childhood/child development; or bachelor’s degree in early childhood/child development; or related bachelor’s degree with three college courses in early childhood/child development; or classified as early learning center teacher I or above by LA Pathways as of December 31, 2017, with demonstrated evidence of eligibility for the staff school readiness tax credit for at least one prior year beginning with 2017.

5. Teacher IV—bachelor’s degree in early childhood/child development of which three college courses focus on infants and toddlers; or related bachelor’s degree with six early childhood/child development college courses of which three focus on infants and toddlers; or classified as early learning center teacher I or above by LA Pathways as of December 31, 2016, with demonstrated evidence of eligibility for the staff school readiness tax credit in 2017.

6. Master Teacher—graduate degree in early childhood/child development; or unrelated graduate degree

with four early childhood/child development college courses.

I. Training and Education Requirements for the Early Learning Center Classroom Track for LA Pathways beginning January 1, 2019:

1. Assistant Teacher—80 clock hours of instruction in approved core knowledge CDA subject areas.

2. Teacher I—CDA credential or approved early childhood diploma.

3. Teacher II—CDA credential or approved early childhood diploma and nine CEUs or two early childhood courses; or 30 hours toward associate degree with four college courses in early childhood/child development; or related associate degree; or Early Childhood Ancillary Certificate.

4. Teacher III—associate degree in early childhood/child development; or related associated degree with four college courses in early childhood/child development; or bachelor’s degree in early childhood/child development; or related bachelor’s degree with three college courses in early childhood/child development; or early childhood ancillary certificate with demonstrated evidence of eligibility for the staff school readiness tax credit for at least one prior year beginning with 2017.

5. Teacher IV—bachelor’s degree in early childhood/child development of which three college courses focus on infants and toddlers; or related bachelor’s degree with six early childhood/child development college courses of which three focus on infants and toddlers; or early childhood ancillary certificate with demonstrated evidence of eligibility for the staff school readiness tax credit for at least two prior years beginning with 2017.

6. Master Teacher—graduate degree in early childhood/child development; or unrelated graduate degree with four early childhood or child development college courses.

J. In order to maintain eligibility for the family child care staff track, family care providers must be registered, have current certification for CCAP issued by LDE in compliance with this Part, and participate full-time in CCAP.

K. Training and Education Requirements for the Family Child Care staff track beginning July 1, 2022:

1. Staff—80 clock hours of instruction in approved core knowledge CDA subject areas.

2. Teacher I—maintain academic approval for 6 months in the tax year; and CDA or approved early childhood diploma, or CCAP certification as a family child care provider for at least one year within the three years priors to the current tax year, which can only be used for a period not to exceed two years.

3. Teacher II—maintain academic approval for 6 months in the tax year; and CDA or approved early childhood diploma and nine CEUs or two early childhood college courses, or 30 hours towards associate degree with

four college courses in early childhood/child development, or related associate degree, or early childhood ancillary certificate, or certificate of academic approval of a 3-star quality rated family care program for at least one year on July 1 of the calendar year in which the credit may be claimed.

4. Teacher III—maintain academic approval for 6 months in the tax year; and either of an associate degree in early childhood/child development, related associate degree with four college courses in early childhood/child development, bachelor's degree in early child/child development, related bachelor's degree with three college courses in early childhood/child development, early childhood ancillary certificate and eligibility for staff school readiness tax credit for at least one prior year, or certificate of academic approval of a 4-star quality rated family child care program for at least one year on July 1 of the calendar year in which the credit may be claimed.

5. Teacher IV—maintain academic approval for 6 months in the tax year; and either of a bachelor's degree in early childhood/child development of which three college courses focus on infants and toddlers, related bachelor's degree with six early childhood/child development college courses of which three must focus on infant and toddlers, early childhood ancillary certificate with eligibility for staff school readiness tax credit for at least two prior years, or certificate of academic approval of a 5-star quality rated family child care program for at least one year on July 1 of the calendar year in which the credit may be claimed.

6. Master Teacher—graduate degree in early childhood/child development or unrelated graduate degree with four early childhood/child development college courses.

L. Qualification for the School Readiness Tax Credit (SRTC) for Child Care Facility Directors and Staff.

1. The department shall provide information necessary for the secretary of the Department of Revenue to determine and/or verify the director and staff levels for earning the SRTC.

2. Child Care Facility Director Levels for SRTC. LA Pathways classification shall meet SRTC requirements for the following:

- a. Director I, Level I;
- b. Director II, Level II;
- c. Director III, Level III; and
- d. Director IV, Level IV.

3. Child Care Facility Staff Levels for SRTC. LA Pathways classification shall meet SRTC requirements for the following:

- a. Teacher I, Level I;
- b. Teacher II, Level II;
- c. Teacher III, Level III; and

d. Teacher IV or Master Teacher, Level IV.

**AUTHORITY NOTE:** Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.6.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 41:2119 (October 2015), amended LR 42:46 (January 2016), LR 43:1281 (July 2017), LR 44:262 (February 2018), LR 48:1008 (April 2022).

## Chapter 11. Unified Quality Rating System for Child Care Facilities

### §1101. Authority

A. The unified quality rating system for child care facilities is established and administered by the LDE under the authority of state and federal laws.

**AUTHORITY NOTE:** Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 41:2121 (October 2015), amended LR 43:1285 (July 2017), LR 48:1008 (April 2022).

### §1103. Definitions

*Child or Children*—individuals who are five years of age or less.

*Child Care Provider*—a taxpayer who owns an eligible child care facility or facilities.

*Early Childhood Care and Education Network*—the network established through R.S. 17:407.23 and Bulletin 140 as the comprehensive and integrated network through which BESE manages and oversees publicly-funded early childhood care and education programs, which include type III early learning centers and family child care homes that are registered, CCAP-certified, and have current academic approval by the department, in order to improve kindergarten readiness.

*Eligible Child Care Facility*—a type III early learning center that has current academic approval and a valid type III early learning center license issued by the LDE and is participating in the unified quality rating system, or a family child care home that is registered, CCAP-certified, and has current academic approval by the department and is participating in the unified quality rating system.

*Quality Rating*—the number of “stars” awarded to an eligible child care facility by the unified quality rating system on July 1 of each year

*Quality Rating System*—see *unified quality rated system*.

*Service Period*—the months within the calendar quarter for which a child received care.

*Type III Early Learning Center*—an early learning center that directly or indirectly receives state or federal funds from any source other than the federal food and nutrition programs.

*Unified Quality Rating System*—system that sets forth the criteria for evaluating and rating the quality of an eligible child care facility in terms of “stars” with five “stars” being the highest.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2121 (October 2015), amended LR 43:1285 (July 2017), LR 48:1008 (April 2022).

### **§1105. Unified Quality Rating System for Child Care Facilities**

A. The unified quality rating system consists of five star ratings that may be awarded to child care facilities based on the level of quality of early child care and education provided by child care facilities serving children from birth through age five. The unified quality rating system is designed to recognize the quality of early care and education provided, communicate the level of quality, and support improvements of child care facilities.

1. To be eligible for participation in the unified quality rating system, a type III early learning center must:

a. have current academic approval issued by the department in compliance with §313 of *Bulletin 140—Louisiana Early Childhood Care and Education Network*; and

b. have a valid type III early learning center license issued by the LDE in compliance with *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*.

2. To be eligible for participation in the unified quality rating system, a family child care home must:

a. have current academic approval issued by the department in compliance with §313 of *Bulletin 140—Louisiana Early Childhood Care and Education Network*; and

b. be registered and have current certification for CCAP issued by LDE in compliance with this Bulletin.

3. A child care facility is participating in the unified quality rating system if it is eligible for participation and has notified the LDE of the desire to participate and willingness to sign the required documents verifying eligibility for tax credits.

B. A star rating shall be awarded to an eligible, participating child care facility based on the performance rating the facility receives on its annual performance profile issued by the LDE as part of the early childhood care and education accountability system (ECCE accountability system). The ECCE accountability system was created pursuant to R.S. 17:407.23(B)(3) and Bulletin 140, and is used to evaluate the performance of publicly-funded early childhood care and education sites, which include child care facilities and community networks in preparing children for kindergarten and to assign a performance profile to each site, which include child care facilities and community networks.

1. All publicly funded early childhood care and education sites, which include eligible child care, are required to participate in the ECCE accountability system pursuant to §501 of Bulletin 140, and each publicly-funded site, which includes eligible child care facilities must receive

a performance profile based its performance each school year.

2. Performance profiles for publicly-funded sites, which include eligible child care facilities, must include a performance rating as provided in §509 of Bulletin 140.

3. Performance rating calculations for publicly-funded sites, which include eligible child care, are made in accordance with §503 and §509 of Bulletin 140.

#### **C. Star Ratings for Child Care Facilities**

1. An eligible, participating child care facility that earns a performance rating score of 3.00 through 3.74 on its performance profile issued by the LDE shall be awarded a one star quality rating.

2. An eligible, participating child care facility that earns a performance rating score of 3.75 through 4.49 on its performance profile issued by the LDE shall be awarded a two star quality rating.

3. An eligible, participating child care facility that earns a performance rating score of 4.50 through 5.24 on its performance profile issued by the LDE shall be awarded a three star quality rating.

4. An eligible, participating child care facility that earns a performance rating score of 5.25 through 5.99 on its performance profile issued by the LDE shall be awarded a four star quality rating.

5. An eligible, participating care facility that earns a performance rating score of 6.00 through 7.00 on its performance profile issued by the LDE shall be awarded a five star quality rating

D. The state superintendent of education (state superintendent), in specific instances, may waive compliance with a requirement if it is determined that the economic or adverse impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff and/or children are not imperiled. If it is determined that the facility or individual is meeting or exceeding the intent of a requirement, the requirement may be deemed to be met. The decision to grant or deny a waiver rests with the sole discretion of the state superintendent.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2122 (October 2015), amended LR 43:1285 (July 2017), LR 48:1009 (April 2022).

### **§1107. Participation**

A. Child care facilities that have achieved a star rating may have their rating reviewed and modified, if at any time it becomes known to the LDE or the LDE receives information from the child care facility that child care facility no longer meets standards for the child care facility's current star rating award.

B. Early learning centers that have achieved a star rating will have their rating revoked if the early learning center license is revoked or not renewed. Family child care homes



that have achieved a star rating will have their rating revoked if their registration, CCAP-certification, or academic approval is revoked or not renewed.

C. Child care facilities that have achieved a star rating may have their rating revoked, or child care facilities applying may be denied, if it is determined by the LDE that false or misleading statements or documents have been submitted or misrepresented or relevant facts have been concealed or withheld in order to qualify or maintain a star(s) in the unified quality rating system or to obtain the school readiness tax credit (SRTC).

D. The provider must reimburse the LDE for all ineligible benefits received.

E. There are no administrative appeal rights for providers whose participation is denied or terminated.

F. Child care facilities that have a star award revoked by quality start may be prohibited from participating in quality start for 12 months from the date of revocation of star award.

**AUTHORITY NOTE:** Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 41:2126 (October 2015), amended LR 43:1286 (July 2017), LR 48:1009 (April 2022).

#### **§1109. Unified Quality Rating System Tiered Bonus Payments**

A. Bonus payments will be issued after the end of each calendar quarter to child care facilities that care for children receiving assistance from the Child Care Assistance Program and for children in the state foster care program in accordance with the child care facility's star rating. The payment is equal to a percentage, as defined below, of all child care subsidy payments received by the child care facility from the LDE for services provided during the service period(s) in that quarter and the child care facility's star rating(s).

1. Bonus payments for the period from January 1, 2018 through December 31, 2018 shall be based on the child care facility's 2016-2017 performance profile rating and the following percentages:

- a. one star—0 percent;
- b. two star—6 percent;
- c. three star—11 percent;
- d. four star—16.5 percent;
- e. five star—23 percent.

2. Bonus payments for the period from January 1, 2019 through December 31, 2019 shall be based on the child

care facility's 2017-2018 performance profile rating and the following percentages:

- a. one star—0 percent;
- b. two star—4 percent;
- c. three star—11 percent;
- d. four star—16.5 percent; and
- e. five star—23 percent.

3. Bonus payments for the period from January 1, 2020 through December 31, 2020 shall be based on the child care facility's 2018-2019 performance profile rating and the following percentages:

- a. one star—0 percent;
- b. two star—2 percent;
- c. three star—11 percent;
- d. four star—16.5 percent; and
- e. five star—23 percent.

4. Bonus payments for the period from January 1, 2021 through December 31, 2021, and subsequent years, shall be based on the child care facility's 2019-2020 performance profile rating, and the performance profiles for subsequent years, and the following percentages:

- a. one star—0 percent;
- b. two star—0 percent;
- c. three star—11 percent;
- d. four star—16.5 percent; and
- e. five star—23 percent.

B. The state superintendent of education may, in specific instances, grant a waiver allowing the LDE to continue to use an child care facility's star rating as of June 30 in calculating bonus payments for up to two quarters beginning on July 1 of the same calendar year, in a year in which the child care facility's star rating decreases, if the superintendent determines that the economic or adverse impact of the decreased star rating is sufficiently great to reduce access for families participating in the Child Care Assistance Program.

**AUTHORITY NOTE:** Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 41:2126 (October 2015), amended LR 43:1286 (July 2017), LR 48:1009 (April 2022).