

NOTICE OF INTENT

Department of Children and Family Services Division of Programs Licensing Section

Class "A" Regulations (LAC 67:III.Chapter 73)

Notice is hereby given in accordance with provisions of the Administrative Procedure Act R.S. 49:950 et seq., the Department of Children and Family Services (DCFS), Division of Programs, Licensing Section proposes to amend the Louisiana Administrative Code (LAC) Title 67, Part III, Subpart 21, Chapter 73, Subchapter A. Licensing Class A Regulations for Child Care Centers.

This Rule is mandated by R.S. 46:1401 et seq. which states that periodically the department must publish the current regulations or standards for Licensing Class "A" Regulations for Child Care Centers.

This Subchapter A. Licensing Class "A" Regulations for Child Care Centers are being repealed and replaced and are being revised to supersede any previous regulations heretofore published. This Rule will become effective on August 1, 2011.

Title 67

SOCIAL SERVICES

Part III. Economic Stability and Self-Sufficiency

Subpart 21. Child Care Licensing

Chapter 73. Day Care Centers

Subchapter A. Licensing Class "A" Regulations for Child Care Centers

§7301. Purpose

A. It is the intent of the legislature to protect the health, safety, and well-being of the children of the state who are in out-of-home care on a regular or consistent basis. Toward that end, it is the purpose of Chapter 14 of Title 46 of the Louisiana Revised Statutes of 1950 to establish statewide minimum standards for the safety and well-being of children, to ensure maintenance of these standards, and to regulate conditions in these facilities through a program of licensing. It shall be the policy of the state to ensure protection of all individuals under care in child care facilities and to encourage and assist in the improvement of programs.

B. It is the further intent of the legislature that the freedom of religion of all citizens shall be inviolate. This Chapter shall not give DCFS jurisdiction or authority to regulate, control, supervise, or in any way be involved in the form, manner, or content of any curriculum or instruction of a school or facility sponsored by a church or religious organization so long as the civil and human rights of the children are not violated. In order for the State to ensure protection of children in care, it is essential that it have access to complete and accurate information regarding a facility or agency's operations. For this reason, it is of critical importance to DCFS' mission that a facility maintains and makes available for inspection at all times complete and accurate child, staff, and facility records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7302. Authority

A. Legislative and Programmatic Provisions

1. The State of Louisiana, Department of Children and Family Services is charged with the responsibility for developing and publishing standards for the licensing of child care facilities. The licensing authority of DCFS is established by R.S. 46:1401 et seq. making mandatory the licensing of all child care facilities.

2. R.S. 46:1403 defines a child care facility as any place or facility operated by any institution, 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 guardian, on a regular basis for at least 12.5 hours in a continuous seven-day week. Related or relative is defined as the natural or adopted child or grandchild of the caregiver or a child in the legal custody of the caregiver.

3. All child care facilities, as defined by R.S. 1401 et seq., including facilities owned or operated by any governmental, profit, nonprofit, private, or church agency, shall be licensed. Before beginning operation, it is mandatory to obtain a license from the DCFS Licensing Section.

4. If the provider arranges or provides transportation to or from the facility, either directly through its own employees and/or vehicles or indirectly by contract with third parties, all hours in which a child is being transported are included in calculating the facility's hours of operation. A facility is in operation from the moment the first child is taken into care or received onto a bus, van, or any other vehicle owned or operated, directly or indirectly, by the facility until the last child is released to the parent or individual authorized by the parent.

5. Licensure is required for a prekindergarten program approved by the Department of Education, operated by a private or public day school serving children in grades one and above, and in which all children have not reached the age of four years by September 30 of the current year.

6. Programs operated on the school premises by a non-school provider (non-profit, for-profit, community, faith-based organization, etc.) for 12.5 or more hours per week shall be licensed unless the provider has a written contract in which the school, public school district, or the Department of Education assumes regulatory responsibility and liability.

7. Programs operated by a school (public, non-public, or parochial), public school district, or a non-school provider for 12.5 or more hours per week, but not on school premises, shall be licensed.

B. Exemptions from Licensure

1. A recognized religious organization that is qualified as a tax-exempt organization under Section 501(c) of the Internal Revenue Code and does not operate more than 24 hours in a continuous seven-day week shall be exempt from licensure under the provisions of R.S. 1429.

2. In accordance with R.S. 46:141, private or public day schools serving children in grades one and above or operating kindergartens or prekindergarten programs are exempt from licensure, if the prekindergarten program is a program approved by the Department of Education, operated

by a private or public day school serving children in grades one and above, and in which all children have reached the age of four years by September 30 of the current year.

3. Schools recognized as accredited or certified as a Montessori School by the Board of Elementary and Secondary Education pursuant to R.S. 17:3401 et seq. or public Montessori schools regulated by the Department of Education are exempt from licensure.

4. Camps are exempt from licensure. Camps are programs operated only when school is not in session for the summer months and/or school holidays.

5. All care given without charge is exempt from licensure. Care given subject to an onerous or remunerative donation is not exempt from licensure.

6. Programs operating less than 12.5 hours in a continuous seven-day week shall be exempt from licensure. If the provider arranges or provides transportation to or from the facility, either directly through its own employees and/or vehicles or indirectly by contract with third parties, all hours in which a child is being transported are included in calculating the facility's hours of operation. For the purposes of this Section, a facility is in operation from the moment the first child is taken into care or received onto a bus, van, or any other vehicle owned or operated, directly or indirectly, by the facility until the last child is released to the parent or individual authorized by the parent.

7. Programs operating less than 12.5 hours per week, even if operating during the summer months and school holidays, shall be exempt from licensure.

8. Vacation Bible schools (operated on or off the same premises of a licensed day care facility) shall be exempt from licensure.

9. Before/after school programs operated by a school (public, non-public, or parochial) or a public school district for 12.5 or more hours per week on school premises shall be exempt from licensure.

10. Before/after school programs operated by a non-school provider (non-profit, for-profit, community, faith based organization, etc.) for 12.5 or more hours per week on school premises shall be exempt from licensure if the provider has a written contract in which the school, public school district, or the Department of Education assumes regulatory responsibility and liability.

C. Penalties. In accordance with LA R.S. 46:1421, whoever operates a child care facility as defined in R.S. 46:1403 without a valid license issued by DCFS shall be fined not less than \$75 per day nor more than \$250 per day for each day of operation without a license.

D. Waiver Request. In specific instances, the secretary of the DCFS may waive compliance with a minimum standard if it is determined that the economic 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.

1. Standards shall be waived only when the secretary determines, upon clear and convincing evidence, that the demonstrated economic impact is sufficient to make compliance impractical for the provider despite diligent efforts, and when alternative means have been adopted to ensure that the intent of the regulation has been met ensuring the health, safety, and well being of the children served.

2. An application for a waiver shall be submitted by a provider using the Request for Waiver from Licensing

Standards form. The form shall be submitted to the DCFS Licensing Section. A request for a waiver shall provide the following information: a statement of the provisions for which the waiver is being requested, an explanation of the reasons why the provisions cannot be met and why a waiver is being requested, including information demonstrating that the economic impact is sufficiently great to make compliance impractical, and a description of alternative methods proposed for meeting the intent of the regulation sought to be waived.

3. All requests for a waiver will be responded to in writing by the DCFS secretary or designee. A copy of the waiver decision shall be kept on file at the facility and presented to licensing staff during all licensing inspections.

4. A waiver is issued at the discretion of the secretary and continues in effect at his/her pleasure. The waiver may be revoked by the secretary at any time, either upon violation of any condition attached to it at issuance, or upon occurrence of any resolatory or suspensive condition affecting the waiver, or upon failure of any of the statutory prerequisites to issuance of a waiver (i.e., the cost of compliance is no longer so great as to be impractical or the health or safety of any staff or any child in care is imperiled), or upon his/her determination that continuance of the waiver is no longer in the best interest of the DCFS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7303. Definitions

Affiliate—

1. with respect to a partnership, each partner thereof;
2. with respect to a corporation, each officer, director and stockholder thereof;
3. with respect to a natural person:
 - a. that person and any individual related by blood, marriage or adoption within the third degree of kinship to that person;
 - b. any partnership, together with any or all its partners, in which that person is a partner; and
 - c. any corporation in which that person is an officer, director or stockholder, or holds, directly or indirectly, a controlling interest;
4. with respect to any of the above, any mandatory, agent, or representative or any other person, natural or juridical acting at the direction of or on behalf of the licensee or applicant; or
5. director of any such day care facility.

Anniversary—the last day of the month in which the original license was issued to the provider/facility and is the date by which the license is eligible for renewal each year.

Behavior Guidance—the ongoing positive process of helping children develop inner control (self regulation) so that they can manage their own behavior in an appropriate and acceptable manner by using corrective action to change the undesired behavior.

Camp—a program operated only when school is not in session for the summer months and school holidays.

Capacity—the number of children the provider is licensed to care for at any given time as determined by the Licensing Section.

Change of Location (CHOL)—change in physical address/location of the facility.

Change of Ownership (CHOW)—a transfer of ownership of a currently licensed facility that is in operation and caring for children.

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

Child Care Staff—repealed.

Clock Hour—involvement or participation in a learning situation for 60 minutes.

Comparable Setting—experience working in an organized daily program with children or the operator of a registered family day home. Directors working with children less than nine years of age shall document experience with prekindergarten, kindergarten, or first grade children.

Complaint—an allegation that an owner, provider, or staff person is violating any provision of these standards or laws, or engaging in conduct, either by omission or commission, that negatively affects the health, safety, or well-being of any child for which the provider has responsibility.

Corporation—any entity incorporated in Louisiana or incorporated in another state, registered with the Secretary of State in Louisiana, and legally authorized to do business in Louisiana.

Culturally Appropriate—environments and activities that reflect home values, attitudes, and norms of children enrolled in the program as determined with input and interaction with the families that attend the program.

DCFS—Louisiana Department of Children and Family Services.

Department (DCFS)—Louisiana Department of Children and Family Services.

Developmentally Appropriate—practices that use knowledge of child development appropriate activities, materials and behavioral expectations for a specific age group.

DHH—the Department of Health and Hospitals of the State of Louisiana.

Director—refers to the director or the director designee.

1. *Director*—the staff who is responsible for the day-to-day operation, management and administration of the facility as recorded with the Licensing Section. For the purpose of these regulations, the term “director” means facility director or director designee, if applicable.

2. *Director Designee*—the individual appointed by the director to act in lieu of the director when the director is not an on-site staff person at the licensed location. This individual shall meet director qualifications.

Disqualification Period—the prescriptive period during which DCFS shall not accept an application for a provider. Any unlicensed operation during the disqualification period shall interrupt running of prescription until DCFS has verified that the unlicensed operation has ceased.

Documentation—written evidence or proof, signed and dated by the parties involved (director, parents, staff, etc.), and available for review.

Employee—a full or part-time paid staff person.

Existing Facility—a provider with a valid license at a particular location prior to the effective date of these standards.

Extra-Curricular Personnel/Therapeutic Professionals—individuals who are not employees of the facility, but who come to the facility to provide therapy, services or enrichment activities for an individual child or group of children. Individual is not required to be under the supervision of facility staff. Examples: computer instructor, dance instructor, librarian, tumble bus personnel, occupational therapist, physical therapist, speech therapist, mental health consultant, nutritionist, early interventionist, nurse, etc.

Facility—a child day care center as defined in R.S. 46:1403.

Foster Grandparents—a program organized by an agency that recruits and trains seniors to provide one-on-one attention to a child or to assist a group of children.

Full-Time—physical presence at the facility Monday through Friday for at least 32 hours.

Group Size—the number of children assigned to a caregiver or team of caregivers and recognized by both staff and children who occupy an individual classroom or well-defined space within a larger room. This space shall be divided into designated activity areas for each group using a variety of means appropriate for defining limits and reducing distraction, including but not limited to a temporary wall or physical barrier.

Individual Owner—a natural person who directly owns a facility without setting up or registering a corporation, LLC, partnership, church, university or governmental entity. The spouse of a married owner is also an owner unless the business is the separate property of the licensee acquired before his/her marriage, acquired through authentic act of sale from spouse of his/her undivided interest; or acquired via a judicial termination of the community of acquets and gains.

Juridical Person—corporation, partnership, limited-liability company, church, university or governmental entity.

License—any license issued by DCFS to operate any child care facility as defined in R.S. 46:1403;

Licensing Section—DCFS, Division of Programs, Licensing Section.

Mandated Reporter—professionals who may work with children in the course of their professional duties and who consequently are required to report all suspected cases of child abuse and neglect. This includes any person who provides training and supervision of a child, such as a public or private school teacher, teacher's aide, instructional aide, school principal, school staff member, social worker, probation officer, foster home parent, group home or other child care institution staff member, personnel of residential home facilities, a licensed or unlicensed day care provider, any individual who provides such services to a child, or any other person made a mandatory reporter under Article 603 of the Children's Code or other applicable law.

Medication—all drugs administered internally and/or externally, whether over-the-counter or prescribed.

Monitor—staff with specific responsibilities for assisting the driver in ensuring the safety of the children while they

ride, board, or exit the vehicle and for assisting the driver during emergencies.

Montessori School—a facility recognized as accredited or certified as a Montessori School by the Board of Elementary and Secondary Education pursuant to R.S. 17:3401 et seq. or a public Montessori School regulated by the Department of Education.

Motor Skills—refers to fine or gross motor skills.

1. **Fine**—the abilities required to control the smaller muscles of the body for writing, playing an instrument, artistic expression and craft work. The muscles required to perform fine motor skills are generally found in the hands, feet and head.

2. **Gross**—the abilities required in order to control the large muscles of the body for walking, running, sitting, crawling, and other activities. This involves the larger movements of arms, legs, feet or the entire body (crawling, running and jumping).

NR—not regulated.

Nighttime Care—care provided after 9 p.m. and prior to 5 a.m. in which no individual child remains for more than 24 hours in one continuous stay.

Non-Porous—a smooth, solid surface that limits the penetration of liquids beyond the immediate surface.

Non-Vehicular Excursion—any activity that takes place outside of the licensed area (play yard and facility), that is within a safe, reasonable walking distance and that does not require transportation in a motor vehicle. This includes walking children to and from schools.

Owner or Operator—the individual who exercises ownership or control over a child day care facility, whether such ownership/control is direct or indirect.

Ownership—the right that confers on a person direct, immediate, and exclusive authority over a thing. The owner of a thing may use, enjoy, and dispose of it within the limits and under the conditions established by law. Refers to direct or indirect ownership.

1. **Direct Ownership**—when a natural person is the immediate owner of a child day care facility, i.e., exercising control personally rather than through a juridical person.

2. **Indirect Ownership**—when the immediate owner is a juridical entity.

Partnership—includes any general or limited partnership licensed or authorized to do business in this state. The owners of a partnership are its limited or general partners and any managers thereof.

Parent—parent(s) or guardian with legal custody of the child.

Posted—prominently displayed in an area accessible to and regularly used by parents.

Prekindergarten program—a program as defined by R.S. 17:24.8.

Premises—building(s) and the land upon which the building(s) sits including but not limited to play yards and parking areas.

Provider—all owners or operators of a facility, including the director of such facility.

Reasonable Suspicion—licensing section personnel has or acquires information containing specific and articulable facts indicating that an owner, operator, or current or potential

employee or volunteer has been investigated and determined to be the perpetrator of abuse or neglect against a minor in an investigation with a justified (valid) finding currently recorded on the state central registry.

Rest Time—a daily period for children over 12 months of age during which children are placed on mats or cots or in cribs as age appropriate.

Safety Interventions—an immediate time limited plan to control the factor(s) that may result in an immediate or impending serious injury/harm to a child(ren).

School Age—a child who is at least five years of age.

Shall or Must—mandatory.

Should—urged, advised or may.

Signature—the act of signing one's full given name, to include at a minimum their first and last name acknowledging that some first names are only an initial.

Special Needs Child—a child who has a chronic physical, developmental, behavioral, or emotional condition and who also requires assistance beyond that generally required by a child to perform tasks that are within the typical chronological range of development, including but not limited to movement of large or small muscles, learning, talking, communicating, self-help, social development, emotional development, seeing, hearing, and breathing.

Staff—all full or part-time paid or unpaid staff who perform services for the child care facility and have direct or indirect contact with children at the facility. Facility staff includes the director and any other employees of the facility including, but not limited to the cook, housekeeper, driver, substitutes, custodian, secretary, bookkeeper and foster grandparents excluding extra-curricular personnel.

Staff-In-Charge—the on-site staff appointed by the director as responsible for supervising the operation of the facility during the temporary absence of the director.

State Central Registry—repository that identifies any individual reported to have a justified (valid) finding of abuse or neglect of a child or children by DCFS.

Student Trainee—an individual at least 16 years of age in the facility as an educational course requirement, and is never left alone with children, nor counted in the child/staff ratio.

Supervision—the function of observing, overseeing, and guiding a child and/or group of children. This includes awareness of and responsibility for the ongoing activity of each child and being near enough to intervene if needed. It requires physical presence, accountability for their care, knowledge of activity requirements, and knowledge of the children's abilities and needs.

Temporary Absence—absence for errands, conferences, minor illnesses, etc.

Time-Out—a technique for temporarily separating a child where inappropriate behavior has occurred, and is intended to give a child time to calm down, thereby discouraging such behavior.

Transportation—the arranging or providing transportation of children (whether facility-provided, parent-provided or contract-provided) for any reason, including daily transportation, transportation for field trips or transportation for any other activity that takes place away from the licensed facility.

Unlicensed Operation—operation of any child care facility as defined by R.S. 14:403 at any location, without a valid, current license issued by DCFS.

Use Zone—the surface under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land. These areas are also designated for unrestricted circulation around the equipment.

Visitor—anyone who enters the facility other than an enrolled or prospective child's parent, facility staff, therapeutic professionals, extracurricular personnel, and in the case of a church or school, any other routine employees, including but not limited to a pastor, principal, teacher, etc. who are never left alone with children.

Volunteer—a full or part-time non-paid staff person.

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, beach, etc.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7304. General Provisions

A. Anyone applying for a license after the effective date of these standards shall meet all of the requirements herein, unless otherwise stated.

B. Any owner/owners of a child day care facility shall provide documentation of a satisfactory criminal record check, as required by R.S. 46:51.2 and 15:587.1. A copy of the criminal background check shall be submitted for each owner of a facility with an initial application, a change of ownership (CHOW) application, a change of location (CHOL) application, and/or an application for renewal for a child day care license. No person with a criminal conviction of a felony, or a plea of guilty or nolo contendere of a felony, or plea of guilty or nolo contendere to any offense included in 15:587.1, 14:2, or 15:541, or any offense involving a juvenile victim, shall directly or indirectly own, operate, or participate in the governance of a child care facility. In addition, an owner, a director, or a director designee shall not have a conviction of, or plea of guilty or nolo contendere to any crime in which an act of fraud or intent to defraud is an element of the offense.

1. The following is a listing of individuals by organizational type who are required to submit documentation of a satisfactory criminal background clearance:

- a. Individual ownership—individual and spouse
- b. Partnership—all limited or general partners and managers as verified on the Secretary of State's website
- c. Head Start—individual responsible for supervising center directors
- d. Church owned, governmental entity, or university owned—any clergy and/or board member that is present in the facility during the hours of operation or when children are present

e. Corporation—any individual who has 25 percent or greater share in the business or any individual with less than a 25 percent share in the business and performs one or more of the following functions:

- i. has unsupervised access to the children in care at the facility;
- ii. is present in the facility during hours of operation;
- iii. makes decisions regarding the day-to-day operations of the facility;
- iv. hires and/or fires child care staff including the director/director designee;
- v. oversees child care staff and/or conducts personnel evaluations of the child care staff; and/or
- vi. writes the facility's policies and procedures.

NOTE: If an owner has less than a 25 percent share in the business and does not perform one or more of the functions listed above in Section 7304.B.5.a-f, a signed, notarized attestation form is required in lieu of a criminal background clearance. This attestation form is a signed statement from the owner acknowledging that he/she has less than a 25 percent share in the business and that he/she does not perform one or more of the aforementioned functions as an owner.

C. A license shall be valid only for the address on the license to a particular owner and is not transferable to another person/owner or location or subject to sale. Any change of ownership or change of location automatically renders the license null and void. A change of ownership of the property on which the licensed facility is located shall not affect the license; however, loss of the right to use the premises by the licensee (whether through eviction, termination of lease, etc.) shall void the license as provided above.

D. A new application shall not be processed if an application or license is currently on file with the Licensing Section for the same location, with the exception of a change of ownership application.

E. Two licenses shall not be issued simultaneously for the same physical address. All child care provided at a physical address shall be included under one license. If a facility operates summer and/or holiday camps at the same location, such care shall be included under the same license for that location.

F. Providers applying for State and/or Federal funding shall apply for a Class A license.

G. Licensure fees shall be paid by all providers.

H. The provider shall allow representatives of DCFS access to the facility, the children, and all files and records at any time during hours of operation and/or anytime a child is present. DCFS staff shall be allowed to interview any staff member or child as determined necessary by DCFS. DCFS representatives shall be admitted immediately and without delay, and shall be given free access to all areas of a facility, including its grounds. If any portion of a facility is set aside for private use by the facility's owner, DCFS representatives shall be permitted to verify that no child is present in that portion and that the private areas are inaccessible to children. If as a result of a preliminary investigation, or other DCFS inspection, DCFS determines that one or more safety issues exist, DCFS may require implementation of a safety intervention plan. In such a case, the provider shall cooperate and adhere to any written safety intervention as determined, enumerated, and mandated by DCFS staff.

I. Whenever DCFS is advised or has reason to believe that any person, agency, or organization is operating a non-exempt child care facility without a license, DCFS shall conduct an investigation to ascertain the facts. If necessary, DCFS may apply for an administrative search warrant to obtain entry.

J. Whenever DCFS is advised or has reason to believe that any person, agency, or organization that holds a license or has applied for a license is operating in violation of the Child Care Facility Class A Minimum Standards, DCFS shall conduct an investigation to ascertain the facts. All reports of mistreatment of children coming to the attention of DCFS will be investigated.

K. Once a child day care provider has been issued a license, DCFS shall conduct licensing inspections at intervals (not to exceed one year) deemed necessary by DCFS to determine compliance with licensing standards, as well as other required statutes, laws, ordinances, rules, and regulations. These inspections shall be unannounced.

L. Documentation of the previous 12 months' activity shall be available for review by DCFS staff during inspections to the facility. Records shall be accessible during the hours the facility is open and operating.

M. For licensing purposes, children's information shall be kept on file at the facility for a minimum of one year from the child's date of discharge from the facility and personnel records shall be kept on file at the facility for a minimum of one year from separation of employment from the facility.

N. For licensing purposes, copies of staff training certificates and continuing education certificates shall be kept on file for a minimum of three years for currently employed staff. Originals shall be available upon request.

O. All new construction to a currently licensed facility or renovation requires approval from the Office of State Fire Marshal, Office of Public Health and City Fire (if applicable), and the Licensing Section prior to occupying the new space.

P. The Licensing Section is authorized to determine the period during which the license shall be effective. A license is valid for the period for which it is issued unless it is modified, extended, revoked, suspended, or terminated.

Q. Providers and child care staff shall not permit an individual convicted of a sex offense as defined in R.S. 15:541 to have physical access to a child day care facility as defined in R.S. 46:1403.

R. The owner or director of a child day care facility shall be required to call and notify law enforcement agencies and the Licensing Section management staff if a sex offender is on the premises of the child day care facility or within 1000 feet of the child day care facility. The Licensing Section management staff shall be contacted immediately. The verbal report shall be followed by a written report to the Licensing Section within 24 hours.

S. Provider shall register the facility's information with the Louisiana State Police Sex Offender Registry Search at www.lsp.org to receive updates if/when a sex offender moves within two miles of the child care facility. Such knowledge allows the provider to be fully aware of the individuals in close proximity to the facility. Notices of

offenders shall be maintained in a place that is accessible to staff for easy viewing.

T. The provider shall notify Licensing Section in writing of a temporary closure of facility (closure of more than 14 calendar days but less than 30 calendar days) within one day of closure of the facility.

U. The provider shall notify Licensing Section in writing of a permanent closure of facility (closure of more than 30 calendar days) within one day of closure of the facility.

V. Capacity shall be determined when the following is received and approved by Licensing Section:

1. Current Office of State Fire Marshal approval; current City Fire approval (if applicable); current Office of Public Health approval; local zoning approval (if applicable);

2. documentation of insurance coverage; and a measurement of the provider's indoor and enclosed adjoining outdoor play space by licensing staff.

W. Upon the effective date of these regulations, provider shall register the facility's current email address with the Licensing Section. Provider shall maintain a current email address and notify the Licensing Section immediately on a change request form upon a change in such address. All communication from the Licensing Section will be sent via email to the provider.

X. Providers shall include a mailing address and physical address of the facility's director, director designee, and owners. It shall be the responsibility of the facility's director, director designee, and the facility's owners to notify the Licensing Section in writing of any change of address. All addresses shall include any suite number, apartment number, or other information necessary to locate the physical premises for both mail delivery and/or service of process. A file may be closed if the applicant/licensee, the director, or the facility's owner/owners has moved and failed to notify the Licensing Section of the new address prior to the move. Return/refusal of mail, whether certified or other, and/or failure of hand delivery sent to the current physical address on file with the Licensing Section shall constitute proof that provider has moved and failed to notify the Licensing Section as required. When any notice is returned and the Licensing Section is unable to contact the applicant/licensee, the file shall be closed immediately.

Y. Directors shall register all existing staff with "Louisiana Pathways Child Care Career Development System" within 30 calendar days of the effective date of these regulations and all new hires within 30 calendar days of employment.

Z. DCFS may request that any staff left alone with or having supervisory or disciplinary authority over children provide a statement from a physician that the individual is physically able to care for children.

AA. Any situation that violates the spirit of these regulations and/or is deemed unsafe for the children, even though it may not be specifically mentioned as forbidden, is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7305. Procedures

A. Initial Application Process

1. An application for licensure for a child care facility shall be obtained from DCFS:

Department of Children and Family Services
Licensing Section
P.O. Box 3078
Baton Rouge, LA 70821-3078
Phone: (225) 342-9905
FAX: (225) 342-9690
Web address: www.DCFS.louisiana.gov

2. After the facility's location has been established, a completed licensing packet shall be forwarded to the Licensing Section. A completed initial licensing packet shall include:

- a. completed application form with a \$25 money order or certified check made payable to DCFS – Licensing Section;
- b. local zoning approval, if applicable;
- c. list of all staff to include name, contact information, and responsibilities;
- d. a sketch or drawing of the premises, including buildings and enclosed play area, to be licensed;
- e. documentation of completion of orientation for providers not holding a current child care license at any location;
- f. articles of incorporation if the facility is owned by a corporation;
- g. documentation that director meets qualifications;
- h. documentation that director designee meets qualifications (if applicable);
- i. documentation of a satisfactory criminal record clearance for all owners, directors, and director designees (if applicable); and
- j. documentation of completed state central registry disclosure forms noting no justified (valid) findings of abuse and/or neglect for all owners, directors, and director designees (if applicable).

3. If the initial licensing packet is incomplete, the applicant will be notified of the missing information and will have ten business days to submit the additional requested information. If DCFS does not receive the additional information within the ten business days, the application will be closed and application fee forfeited.

4. Once DCFS has determined that the initial licensing packet is complete, DCFS will attempt to contact the applicant to schedule an initial inspection. However, it is the applicant's responsibility to coordinate the initial inspection. If the applicant fails to coordinate the initial inspection within 45 calendar days of receipt of the complete initial licensing packet, the initial licensing application shall be closed and the application fee shall be forfeited.

5. If DCFS fails to conduct the initial inspection within 90 calendar days of receipt of the completed licensing packet due to reasons beyond the provider's control, the initial licensing application shall not be closed.

6. After an initial licensing application is closed, an applicant who is still interested in becoming a child care provider shall submit a new initial licensing packet.

7. After the completed initial licensing packet has been received by the Licensing Section, DCFS will notify the Office of State Fire Marshal, Office of City Fire Department (if applicable), Office of Public Health, and any known required local agencies that an application for

licensure has been submitted. However, it is the applicant's responsibility to request and obtain these inspections and approvals.

8. An initial licensing inspection, including a measurement of the indoor and outdoor enclosed space, shall be conducted on-site at the facility to assure compliance with all licensing standards. However, if the provider is in operation in violation of the law, the licensing inspection shall not be conducted. In these instances, DCFS shall pursue legal remedies and the application may be denied.

9. In the event that the initial licensing inspection finds that the child care provider is compliant with all licensing laws and standards and is compliant with all other required statutes, laws, ordinances, rules, regulations, and fees, DCFS may issue a license to the provider. The license shall be valid until the expiration date shown on the license, unless the license is modified, extended, revoked, suspended, or terminated.

10.a. In the event that the initial licensing inspection finds that the child care provider is not in compliance with all licensing standards, with the exception of the following standards, DCFS may deny the initial application:

- i. Office of State Fire Marshal approval;
- ii. City Fire approval (if applicable);
- iii. Office of Public Health approval;
- iv. three current, signed references on director attesting affirmatively to his/her character, qualifications, and suitability to care and supervise children;
- v. three current, signed references on director designee (if applicable) attesting affirmatively to his/her character, qualifications, and suitability to care and supervise children;
- vi. documentation of a satisfactory criminal record clearance for all staff;
- vii. documentation of completed state central registry disclosure forms noting no justified (valid) finding of abuse and/or neglect for all staff;
- viii. documentation of insurance coverage for the facility and children;
- ix. documentation of insurance coverage for vehicle(s) if requesting to provide this service.

b. The application may be denied if the above documentation is not received within 90 calendar days of receipt of the completed initial application packet.

11.a. DCFS shall notify the provider of the additional licensure fee due based on the capacity as listed below. The fee shall be received within 90 calendar days of the receipt of the completed initial application packet.

15 or fewer:	\$25
16-50:	\$100
51-100:	\$175
101 or more:	\$250

b. The initial application fee of \$25 will be applied toward the total licensure fee above that is determined by the provider's licensed capacity and due prior to licensure of the provider.

B. Fees and Notification of Changes

1. All fees shall be paid by certified check or money order made payable to DCFS - Licensing Section and are non-refundable.

2. Annual licensure fees are required prior to renewal of the license. License fee schedules (based on capacity) are listed below:

15 or fewer:	\$25
16-50:	\$100
51-100:	\$175
101 or more:	\$250

3. A fee of \$5 is required to issue a duplicate license with no changes.

4. The provider shall notify the Licensing Section on a change request form prior to making changes to facility operations. For changes that require the issuance of a new replacement license, the provider shall be required to submit a change fee of \$25 in addition to the change request form. There is no fee charged when the request is noted on the renewal application; however, the change shall not be effective until the first day of the month following the expiration of the current license. No fee is required to remove a service or reduce the capacity on a license.

a. Capacity increase is effective when the following are received and approved by the Licensing Section: completed change request form; \$25 change fee; additional fee based on capacity (if applicable); current Office of the State Fire Marshal approval for new space; current Office of Public Health approval for new space; current City Fire approval for new space (if applicable); documentation of insurance coverage; and measurement of the additional space by the Licensing Section. New space shall not be utilized until approval has been granted by the Licensing Section.

b. Transportation addition is effective when the following is received and approved by the Licensing Section: completed change request form; \$25 change fee; copy of appropriate driver's license(s) for all staff providing transportation; documentation of current vehicle insurance coverage; and transportation contract (if applicable), as required by Section 7336.

c. Name change is effective when the following is received by the Licensing Section: completed change request form; and \$25 change fee.

d. Age range change is effective when the following is received and approved by the Licensing Section: completed change request form; and \$25 change fee. Licensing Section shall verify provider has appropriate equipment and materials for the ages of children requesting to be served prior to approving the request.

e. Night time care is effective when the following is received and approved by the Licensing Section: completed change request form; and \$25 change fee. Licensing Section shall verify that the provider has equipment appropriate for night time care prior to approving the requested change.

f. Change of provider's hours/months/days of operation with the exception of night time care is effective upon receipt of the completed change request form.

g. Change in director/director designee is effective when the following is received and approved by the Licensing Section: completed change request form; documentation of director/director designee qualifications as noted in Section 7311.B; and three signed, dated letters of reference attesting affirmatively to his/her character, qualifications, and suitability to care and supervise children.

C. Change of Location (CHOL)

1. When a provider decides to change the physical location of the facility, it is considered a new operation and a new license is required prior to opening. The license at the existing location shall not transfer to the new facility.

2. After the facility's new location has been determined, a complete licensing packet shall be submitted to the Licensing Section. A complete CHOL licensing packet shall include:

a. completed application form with a \$25 money order or certified check made payable to DCFS – Licensing Section;

b. local zoning approval (if applicable);

c. list of staff to include name, contact information, and responsibilities;

d. documentation of a satisfactory criminal record clearance for all owners;

e. documentation of completed state central registry disclosure forms noting no justified (valid) finding of abuse and/or neglect for all owners, or documentation from the risk evaluation panel or Division of Administrative Law noting that the individual does not pose a risk to children;

f. a sketch or drawing of the premises, including buildings and enclosed play area, to be licensed;

g. documentation that director meets qualifications;

h. documentation that director designee meets qualifications (if applicable);

i. three current, signed references on director attesting affirmatively to his/her character, qualifications, and suitability to care and supervise children;

j. three current, signed references on director designee (if applicable) attesting affirmatively to his/her character, qualifications, and suitability to care and supervise children; and

k. documentation of insurance coverage for vehicle if requesting to provide this service.

3. If the CHOL licensing packet is incomplete, the applicant will be notified of the missing information and will have ten business days to submit the additional requested information. If DCFS does not receive the additional requested information within the 10 business days, the CHOL application will be closed and the fee forfeited.

4. Once DCFS has determined that the change of location licensing packet is complete, DCFS will attempt to contact the applicant to schedule a CHOL inspection; however, it is the applicant's responsibility to coordinate the CHOL inspection. If the applicant fails to coordinate the CHOL inspection within 45 calendar days of receipt of the complete CHOL licensing packet, the CHOL application shall be closed and the fee forfeited.

5. If DCFS fails to conduct the CHOL inspection within 90 calendar days of receipt of the completed CHOL application due to reasons beyond the provider's control, the CHOL application shall be not closed.

6. After a CHOL application is closed, an applicant who is still interested in moving to a new location shall submit a new CHOL licensing packet to restart the CHOL licensing process.

7. The following shall be submitted to the Licensing Section prior to a license being issued:

a. current Office of State Fire Marshal approval;

b. current City Fire approval (if applicable);

- c. current Office of Public Health approval;
- d. full licensure fee;
- e. proof of transfer of insurance coverage for facility; and
- f. licensure inspection verifying compliance as noted in Section 7305.C.9.

8. CHOL inspection will be conducted between the old and new location to determine compliance with all regulations.

9. All requirements shall be met at the new location with the exception of:

a. Equipment being transferred. A list of all equipment being transferred from currently licensed location to the new location shall be provided to licensing staff at the time of inspection.

b. Personnel and children's records that will be transferred. After closure of the old location and prior to the children being present at the new location, all equipment and personnel/children's records noted above shall be transferred to the new location.

10. Care shall not be provided at both locations.

11. The license for the new location may be issued upon receipt of all items listed in Section 7305.C.7 with the approval of DCFS, but not prior to the first day operations will begin at the new location.

12. The license for the old location shall be closed on the last day care was provided at that location, but no later than the effective date of the new location's license. Provider shall submit documentation noting the last day care will be provided at the old location.

D. Temporary Change of Location

1. If a currently licensed facility closes due to reasons approved by DCFS, including but not limited to fire on the childcare premises and/or structural damage to the facility, and the provider chooses to relocate the children to a temporary location until repairs have been made, it is considered a new operation and a new license is required prior to opening.

2. The license at the existing location shall not transfer to the temporary facility. The license shall be closed on the last day care was provided at that location. Any change of location, however temporary, automatically renders the current license null and void.

3. The following shall be submitted to the Licensing Section prior to occupying the temporary facility and a license being issued:

- a. change of information form;
- b. \$25 application fee;
- c. Office of the State Fire Marshal approval;
- d. Office of Public Health approval;
- e. City Fire approval (if applicable);
- f. local zoning approval (if applicable);
- g. proof of insurance coverage for facility;
- h. list of staff to include name, contact information and responsibilities;
- i. licensure inspection verifying all indoor and outdoor areas are free of hazards and/or unsafe conditions; and
- j. a measurement of the provider's indoor and enclosed adjoining outdoor play space (if applicable) by licensing staff to determine facility capacity and additional licensure fee based on capacity. The application fee of \$25

will be applied toward the total licensure fee noted below that is determined by the provider's licensed capacity and due prior to licensure of the provider.

15 or fewer:	\$25
16-50:	\$100
51-100:	\$175
101 or more:	\$250

4. If applicable, provider shall be allowed to transfer equipment, personnel, and children's records from the currently licensed location to the temporary location to be reviewed by the licensing staff at the time of inspection.

5. The license for the new location may be issued upon receipt of all items listed above with the approval of DCFS; however, the temporary license shall not extend beyond 90 calendar days.

6. The Licensing Section shall be notified in writing, within 30 calendar days of obtaining the license for the temporary location, of the expected timeframe upon which the provider expects to be able to return to the original location.

7. In order for a license to be issued for the previous location and the previous location occupied, the provider shall submit the following:

- a. change of information form;
- b. \$25 application fee;
- c. a sketch or drawing of the premises, including buildings and enclosed play area, to be relicensed;
- d. Office of the State Fire Marshal approval;
- e. Office of Public Health approval;
- f. City Fire approval (if applicable);
- g. local zoning approval (if applicable);
- h. proof of insurance coverage for facility;
- i. licensure inspection verifying compliance with the minimum standards;
- j. a measurement of the provider's indoor and enclosed adjoining outdoor play space by licensing staff to determine facility capacity and additional licensure fee based on capacity.

8. DCFS shall notify the provider of the additional licensure fee due based on the capacity as listed below. The fee shall be received prior to the license being issued. The application fee of \$25 will be applied toward the total licensure fee noted below that is determined by the provider's licensed capacity and due prior to licensure of the provider.

15 or fewer:	\$25
16-50:	\$100
51-100:	\$175
101 or more:	\$250

E. Change of Ownership (CHOW)

1. Any of the following constitutes a change of ownership:

- a. change in the federal tax id number;
- b. change in the state tax id number;
- c. change in profit status;
- d. any transfer of the child care business
- e. from an individual or juridical entity to any other individual or juridical entity; and/or

- f. addition of an individual to the
- g. existing ownership on file with the Licensing Section.

2. Although the following does not constitute a change of ownership for licensing purposes; a change of information form is required. The change of information form shall be submitted to the Licensing Section within 10 business days.

- a. If individual ownership, upon death of the spouse and execution of the estate, if the surviving spouse remains as the only owner.

- b. If individual ownership, undergoing a separation or divorce until/or upon a judicial termination of the community aquets and gains, signed by both parties.

- c. Changes in board members for churches, corporations, limited liability companies, universities, or governmental entities.

- d. Any removal of a person from the existing organizational structure under which the child day care facility is currently licensed.

F. Change of Ownership (CHOW) Procedures

1. When a facility changes ownership, the current license is not transferable. Prior to the ownership change and in order for a license to be issued, the new owner shall submit a CHOW application packet containing the following:

- a. a completed application and full licensure fee as listed in Section 7305.B.2 based on current licensed capacity or requested capacity, whichever is less;

- b. current Office of State Fire Marshal approval;

- c. current Office of Public Health approval;

- d. current City Fire approval (if applicable);

- e. documentation of director qualifications as listed in Section 7311;

- f. letter from previous owner noting intention to sell the child care business and the proposed date of the sale;

- g. documentation of director designee qualifications as listed in Section 7311;

- h. three current, signed references on the director attesting affirmatively to his/her character, qualifications, and suitability to care and supervise children;

- i. three current, signed references on director designee (if applicable) attesting affirmatively to his/her character, qualifications, and suitability to care and supervise children;

- j. copy of the bill of sale (if applicable);

- k. documentation of facility's insurance coverage under new ownership;

- l. documentation of insurance coverage for vehicle if requesting to provide this service under new ownership;

- m. documentation of a satisfactory criminal record clearance for all owners and staff (the prior owner's documentation of satisfactory criminal background checks is not transferrable);

- n. documentation of completed state central registry disclosure forms noting no justified (valid) findings of abuse and/or neglect for all owners and staff or documentation from the risk evaluation panel or Division of Administrative Law that the individual does not pose a risk to children;

- o. a sketch or drawing of the premises including classrooms, buildings and enclosed play area; and

- p. a list of staff to include name, contact information, and responsibilities.

2. If the above information is not received prior to the sale or day of the sale, the new owner must not operate until a license is issued. The application will be treated as an initial application rather than a change of ownership application.

3. The prior owner's current Office of State Fire Marshal and Office of Public Health approvals are only transferrable for three months. The new owner shall obtain approvals dated after the effective date of the new license from these agencies within 90 calendar days. The new owner will be responsible for forwarding the approval or extension from these agencies to the Licensing Section.

4. A licensing inspection shall be conducted within 60 calendar days to verify that the minimum standards are in compliance. At this time, licensing staff shall complete a measurement of the facility and enclosed, outdoor play yard. Upon review of the space, the capacity of the facility may be reduced or increased.

5. The following personnel information shall be updated under the new ownership within 10 business days of the effective date of the new license:

- a. an application and/or a staff information form as required in Section 7310.B.1;

- b. job description as required in Section 7310.B.4; and

- c. orientation as required in Section 7312.A.1-4.

6. The following children's information shall be updated under the new ownership within 10 business days of the effective date of the new license:

- a. child's information form as required in Section 7308.A.1;

- b. a written authorization signed and dated by the parent to secure emergency medical treatment as required in Section 7308.A.2;

- c. a written authorization signed and dated by the parent noting the first and last names of individuals to whom the child may be released other than the parent(s), including any other child care facilities, transportation services, or any person or persons who removes the child from the facility as required in Section 7308.A.3;

- d. a written statement from the child's parent when the child is on a modified diet for religious reasons as required in Section 7308.A.5;

- e. the provider shall obtain written informed consent from the parent prior to releasing any information, recordings, or photographs from which the child might be identified, except for authorized state and federal agencies as required in Section 7308.B; and

- f. the provider utilizing any type of recordings or taping of children, including but not limited to digital recordings, videotaping, audio recordings, web cam, security monitoring, etc., shall obtain documentation signed and dated by the parent indicating their awareness of such recordings/monitoring and its potential uses as required in Section 7308.C.

G. Class Change

1. When a provider requests to change class type from B to A, the following information shall be submitted to the Licensing Section prior to the issuance of the new license:

a. a completed application and full licensure fee based on current capacity or requested capacity, whichever is less;

b. documentation of current insurance coverage in accordance with Section 7306.D and Section 7333.I. and J;

c. documentation of director qualifications as listed in Section 7311;

d. documentation of director designee qualifications (if applicable) as listed in Section 7311;

e. three current, signed references on the director attesting affirmatively to his/her character, qualifications, and suitability to care and supervise children; and

f. three current, signed references on director designee (if applicable) attesting affirmatively to his/her character, qualifications, and suitability to care and supervise children.

2. When a facility changes class type, the facility's anniversary will change to the month in which the new license is issued.

H. Relicensing

1. The annual relicensing inspection is similar to the initial licensing inspection. Documentation of the previous 12 months' activities shall be available for review. The director will have an opportunity to review the inspection deficiencies (if any) in consultation with licensing staff. If the director is not present at the facility or is unable or unwilling to review the inspection deficiencies, the licensing staff shall review them with any staff of the facility. If licensing staff is unable to conduct such a review due to the absence or refusal of staff to participate, the licensing staff shall leave a copy of the deficiencies at the facility, and this shall constitute notice of the deficiencies to the facility and its owners and/or director.

2. When submitting the application for renewal of the license, the provider shall submit a copy of the satisfactory criminal background check for every owner.

3. Each provider is solely responsible for obtaining forms to apply for the renewal of the license. Providers are encouraged to submit their renewal application and full licensure renewal fee prior to the first day of the month in which the license expires. However, if the application and fee are not received on or postmarked by the last day of the month in which the license expires, the license cannot be renewed and expires. The provider is required to cease operation at the close of business by the expiration date noted on the license.

1. Required Notification. Within 24 hours or on the next business day, the director shall verbally notify Licensing Section management staff of the following reportable incidents. The verbal report shall be followed by a written report within 24 hours:

1. death of a child while in the care of the provider;

2. illness or injury requiring hospitalization or professional medical attention of a child while in the care of the provider;

3. fire on the child care premises;

4. structural damage to the facility;

5. any emergency situation that requires sheltering in place, implementation of facility lock-down procedures, and/or temporarily relocating children;

6. any extended loss of power, water service, gas, etc., while children are in care;

7. any child leaving the facility and/or play yard unsupervised or with an unauthorized person;

8. any child left unsupervised in the facility, on the van, play yard, and/or on a field trip;

9. any child given the wrong medication or an incorrect dosage; and

10. any serious and unusual situation that affects the safety and/or well-being of a child or children in the care of the provider.

J. State Central Registry—Conditions for Owners, Operators, Employees and Volunteers—General

1. Any owner, operator, current or prospective employee, or volunteer of a child care facility requesting licensure by DCFS and/or a child care facility licensed by DCFS is prohibited from working in a child care facility if the individual discloses, or information is known or received by DCFS, that the individual's name is recorded on the state central registry (SCR) as a perpetrator for a justified (valid) finding of abuse or neglect of a child, unless there is a finding by the risk evaluation panel or a ruling by the Division of Administrative Law that the individual does not pose a risk to children.

2. This information shall be reported at the time of application, annually, at any time upon the request of DCFS, and within three business days of any such individual receiving notice of a justified (valid) determination of child abuse or neglect.

3. State central registry disclosure forms, documentation of any disposition of the risk evaluation panel and, when applicable, the Division of Administrative Law ruling shall be maintained in accordance with current DCFS licensing requirements and shall be available for review by DCFS personnel during the facility's hours of operation. This information shall be kept on file for a minimum of one year from termination of the employee or volunteer from the facility.

4. Any information received or knowledge acquired that a current or prospective owner, operator, volunteer, employee, prospective volunteer, or prospective employee has falsified a state central registry disclosure form stating that they are not currently recorded as a perpetrator with a justified (valid) determination of abuse or neglect shall be reported in writing to a Licensing Section management staff as soon as possible, but no later than the close of business on the next business day.

5. Any state central registry disclosure form, risk evaluation panel finding, and Division of Administrative Law ruling that is maintained in a child care facility licensing file shall be confidential and subject to the confidentiality provisions of R.S. 46:56(F) pertaining to the investigations of abuse and neglect.

K. State Central Registry—Conditions for Owners, Operators, Employees, and Volunteers Hired Prior to January 1, 2010

1. An individual owning, operating, employed by, or volunteering in a child care facility, licensed by DCFS, prior to January 1, 2010, shall be required to complete a state central registry disclosure form on or before February 1, 2010.

2. The owner, operator, and current employee/volunteer of the licensed child care facility shall complete, sign, and date the state central registry disclosure

form. The current employee/volunteer shall submit the disclosure form to the owner or operator of the facility. The owner or operator shall also be required to provide documentation of his or her state central registry disclosure form.

3. Any current employee/volunteer hired prior to January 1, 2010, who discloses that their name is recorded on the state central registry with a justified (valid) finding of abuse or neglect, or through reasonable suspicion as the result of information known or received by DCFS, will have 10 calendar days from completion of the state central registry disclosure form to request a risk assessment evaluation in accordance with Louisiana Administrative Code 67:I.305 or shall be terminated immediately.

a. As a condition of continued employment, the employee/volunteer shall be directly supervised by another paid employee of the facility, who has not disclosed that their name appears with a justified (valid) finding on the state central registry. Under no circumstances may the staff person with the justified finding be left alone and unsupervised with the children pending the disposition of the risk evaluation panel that they do not pose a risk to children. When these conditions are met, the employee/volunteer may be counted in child staff ratio.

b. If the risk evaluation panel finds the individual does pose a risk to children and the individual chooses not to appeal the finding, the employee/volunteer shall be terminated immediately.

c. If the risk evaluation panel finds the individual does pose a risk to children and the individual appeals the finding to the Division of Administrative Law within the required timeframe, the employee/volunteer shall continue to be under direct supervision at all times by another paid employee of the facility who has not disclosed that they have a justified finding on the state central registry until a ruling by the Division of Administrative Law that they do not pose a risk to children. Supervision may end upon receipt of the ruling from the Division of Administrative Law that they do not pose a risk to children.

d. If the Division of Administrative Law upholds the risk evaluation panel finding that the individual does pose a risk to children, the individual shall be terminated immediately.

L. Individuals owning, operating, employed by, volunteering after January 1, 2010. (Initial application or prospective employee/volunteer)

1. After January 1, 2010, any prospective owner, operator, or prospective employee/volunteer of a child care facility requesting licensure by DCFS and/or the child care facility licensed by DCFS shall be required to complete a state central registry disclosure form. This information shall be reported at the time of application, annually, at any time upon the request of DCFS, and within three business days of any such individual receiving notice of a justified (valid) determination of child abuse or neglect.

2. The prospective employee/volunteer of a child care facility requesting licensure by DCFS and/or licensed child care facility shall complete, sign, and date the state central registry disclosure form. The prospective employee/volunteer shall submit the disclosure form to the owner or operator of the facility. The owner or operator shall

also be required to provide documentation of his or her state central registry disclosure form.

a. If a prospective operator or employee/volunteer discloses that his or her name is currently recorded as a perpetrator on the state central registry, the child care facility representative/prospective employer shall inform the applicant they will not be considered for employment or volunteer duties at that time due to the state central registry disclosure and the child care facility representative/prospective employer will provide the prospective employee/volunteer with the request for a risk evaluation panel form (SCR 2).

b. Individuals are eligible for employment/volunteer services if and when they provide written documentation from the Risk Evaluation Assessment Panel or the Division of Administrative Law noting that they do not pose a risk to children.

M. Denial, Revocation or Non-Renewal of License. An application for a license may be denied, a license may be revoked, or a license renewal may be denied for any of the following reasons:

1. violation of any provision of R.S. 46:1401 et seq. or failure to meet any of the minimum standards, rules, regulations, or orders promulgated by the DCFS;

2. disapproval from any agency whose approval is required for licensure;

3. disqualification from the DCFS Child Care Assistance Program due to an intentional program violation;

4. disqualification from participation in another state agency's program;

5. presence of an individual with a justified (valid) finding of child/abuse neglect not being directly supervised by another paid employee of the facility, who has not disclosed that their name appears with a justified (valid) finding on the state central registry prior to a determination by the risk evaluation panel or Division of Administrative Law that the individual does not pose a risk to children;

6. presence of an individual on the child care premises with a ruling by the risk evaluation panel that the individual poses a risk to children and the individual has not requested an appeal hearing by the Division of Administrative Law within the required timeframe;

7. presence of an individual on the child care premises with a ruling by the Division of Administrative Law that the individual poses a risk to children;

8. continued employment or ownership of or by any individual (paid or unpaid staff) convicted of, or a plea of guilty or nolo contendere to, any offense included in 15:587.1, 14:2, 15:541, or any offense involving a juvenile victim;

9. ownership by an individual convicted of, or a plea of guilty or nolo contendere to any crime in which an act of fraud or intent to defraud is an element of the offense;

10. falsifying or altering documents required for licensure;

11. cruelty or indifference to the welfare of the children;

12. the owner or director of the facility is not reputable;

13. the owner, director, or a member of the staff is temperamentally or otherwise unsuited for the care of the children in the facility;

14. non-payment of licensure fee and/or failure to submit application for renewal prior to the expiration date of the current license;

15. the facility is closed and there are no plans for immediate reopening and no means of verifying compliance with minimum standards for licensure;

16. failure to adhere to conditions set forth in a waiver granted by the secretary;

17. removal of or failure to notify Licensing Section management staff of the removal of the notice of revocation;

18. failure to maintain the posted notice of revocation required under these standards shall be grounds for denial of a future license and/or revocation or non-renewal of all existing license(s) owned and/or operated by provider;

19. history of noncompliance that includes but is not limited to the revocation of a previous license, the denial of one or more previous applications for licensure, repeated citations for the same area of non compliance, numerous citations for areas of non-compliance on one visit, a serious incident at the facility, a serious incident at another facility in which the same director and/or owner is responsible, or previously operating an unlicensed facility;

20. provider denies DCFS staff entrance to the facility, does not cooperate with DCFS staff in order for duties to be completed, attempts to intimidate DCFS staff, or refuses to allow DCFS to perform mandated duties;

21. failure of required staff to attend any mandatory training session required by the Licensing Section;

22. failure to provide retraining of staff or seek additional training for staff as directed by the Licensing Section or other state agency in response to any incident that adversely affected the health, safety, and/or welfare of a child in care;

23. having knowledge that a convicted sex offender is physically present within 1000 feet of the child care facility and failing to notify law enforcement and licensing management staff immediately upon receipt of such knowledge;

24. failure of the owner, director, or any staff to report a known or suspected incident of abuse or neglect to child welfare authorities;

25. failure of the owner, director, or any staff to cooperate with DCFS staff investigating a known or suspected incident of abuse or neglect which includes, but not limited to, the adherence to any written safety interventions as directed by licensing management staff;

26. presence or use of any recalled product by the provider that is listed in the newsletters issued by the Office of the Attorney General;

27. the facility is not yet licensed and the licensing section has completed an initial licensing inspection and has since been unable to make contact with the owner or director in order to verify compliance with the minimum standards for licensure.

N. Posting of Notice of Revocation

1. DCFS shall prominently post a notice of revocation action at each public entrance of the child care facility within one business day of such action. This notice shall remain visible to the parents and guardians of the children who attend the child care facility.

2. The provider shall not permit the obliteration or removal of a notice of revocation that has been posted by

DCFS staff. The provider shall ensure that the notice continues to be visible to parents, guardians, and others throughout the pendency of any appeals of the revocation.

3. The provider shall verbally notify Licensing Section management staff immediately if the notice is removed. The verbal report shall be followed by a written report within 24 hours.

O. Appeal Process

1. The DCFS Licensing Section, shall advise the director or owner by letter of the reasons for non-renewal, revocation, or denial and the right of appeal. If the director or owner is not present at the facility, delivery of the written reasons for such action may be made to any staff of the facility. Notice to a staff shall constitute notice to the facility of such action and the reasons therefore. A request for appeal shall include a copy of the letter from the Licensing Section that notes the reasons for revocation, denial, or non-renewal, together with the specific areas of the decision the appellant believes to be erroneous and/or the specific reasons the decision is believed to have been reached in error, and shall be mailed to: Department of Children and Family Services, Bureau of Appeals, P.O. Box 2944, Baton Rouge, LA 70821-9118.

2. A provider may appeal the revocation or non-renewal of a license by submitting a written request to appeal the decision along with a copy of the letter within 15 calendar days of receipt of the letter notifying of the revocation or non-renewal. Provider may continue to operate legally throughout the appeals process.

3. A provider may appeal the denial of an application for a license by submitting a written request to appeal the decision along with a copy of the letter within 30 calendar days of receipt of the letter notifying of the denial of application.

4. The Bureau of Appeals shall notify the Division of Administrative Law of receipt of an appeal request. Division of Administrative Law shall conduct a hearing. The appellant will be notified by letter of the decision, either affirming or reversing the original decision.

5. If the decision of DCFS is affirmed or the appeal dismissed, the provider shall terminate operation of the child care business immediately. If the provider continues to operate without a license, DCFS may file suit in the district court in the parish in which the facility is located for injunctive relief.

6. If the decision of DCFS is reversed, the license will be reinstated and the appellant may continue to operate.

P. Disqualification of Facility and/or Provider

1. Effective September 4, 2009, if a facility's license is revoked or not renewed due to failure to comply with state statutes and licensing rules, DCFS shall not accept a subsequent application from the provider for that facility, or any new facility, for a minimum period of 24 months after the effective date of revocation or non-renewal, or for a minimum period of 24 months after all appeal rights have been exhausted, whichever is later (the disqualification period). The effective date of a revocation, denial, or non-renewal of a license shall be the last day for applying to appeal the action, if the action is not appealed. Any pending application by the same provider shall be treated as an application for a new facility for purposes of this section and shall be denied and subject to the disqualification period.

Any subsequent application for a license shall be reviewed by the secretary or designee prior to a decision being made to grant a license. DCFS reserves the right to determine, at its sole discretion, whether to issue any subsequent license.

2. If a provider has multiple licensed child care facilities and one of the facility's licenses is revoked or not renewed, a capacity increase shall not be granted at any of the existing licensed facilities for a minimum period of 24 months after the effective date of revocation or non-renewal, or for a minimum period of 24 months after all appeal rights have been exhausted, whichever is later.

3. Any voluntary surrender of a license by a provider facing the possibility of adverse action against its license (revocation or non-renewal) shall be deemed to be a revocation for disqualification purposes and shall trigger the same disqualification period as if the license had actually been revoked.

4. If the applicant has had a history of non-compliance, including but not limited to revocation of a previous license, operation without a license, or denial of one or more previous applications for licensure, DCFS may refuse to accept a subsequent application from that applicant for a minimum period of 24 months after the effective date of denial.

5. With respect to an application in connection with the revoked, denied, or not renewed facility, the disqualification period provided in this section shall include any affiliate of the provider.

6. If a facility's license was revoked due solely to the disapproval from any agency whose approval is required for licensure, the disqualification rule (or period) may not apply. DCFS may accept a subsequent application for a license that shall be reviewed by the secretary or designee prior to a decision being made to grant a license. DCFS reserves the right to determine, at its sole discretion, whether to issue any subsequent license.

7. In the event a license is revoked or renewal is denied, (other than for cessation of business or non-operational status), or voluntarily surrendered to avoid adverse action any owner, officer, member, manager, director or administrator of such licensee shall be prohibited from owning, managing, directing or operating another licensed facility for a period of not less than 24 months from the date of the final disposition of the revocation or denial action. The lapse of 24 months shall not automatically restore a person disqualified under this provision to eligibility for employment. DCFS, at its sole discretion, may determine that a longer period of disqualification is warranted under the facts of a particular case.

Q. The Louisiana Advisory Council on Child Care and Early Education

1. The Louisiana Advisory Council on Child Care and Early Education was created in accordance with R.S. 46:1414 to provide input and guidance to DCFS on matters pertaining to rules, regulations, and standards for licensure of child day care facilities as defined in R.S. 46:1403(A)(4).

2. The Council shall be composed of 12 voting members appointed by the secretary of DCFS, and nine non-voting ex-officio members. The membership shall consist of:

a. one parent of a child currently enrolled in a licensed child care facility;

b. three owners or directors of licensed child care facilities in Louisiana, and one faith based child care provider;

c. two professionals and/or faculty of child development and/or early childhood education programs at community technical colleges or universities located in Louisiana;

d. one representative from each of the following advocacy organizations: the Louisiana Head Start Association, the Louisiana Partnership for Children and Families, the Louisiana Association for the Education of Young Children, the Child Care Association of Louisiana, and the Louisiana Early Childhood Association of Louisiana; and

e. nine non-voting ex-officio members consisting of one representative of each of the following offices or agencies: the Department of Education Pre-Kindergarten Program, the Department of Education Child and Adult Care Food Program, the Louisiana Office of State Fire Marshal, the Department of Health and Hospitals Office of Sanitarian Services, the Louisiana Workforce Commission, the Louisiana State Police Bureau of Criminal Identification, and three representatives from DCFS.

3. Members shall be appointed to serve an initial two-year term on the Council and may be eligible to be reappointed to serve an additional two-year term.

4. A member shall be automatically removed from the advisory council if he/she has two or more unexcused absences during any 12-month period. An absence is excused for purposes of this section when the cause is one which a reasonably-prudent person would deem to take precedence over fulfillment of a solemn public duty, or if the absence is known in advance to be probable, if the member notifies the chairperson of his/her expected absence not less than 24 hours in advance of the scheduled meeting.

5. A quorum shall consist of a simple majority of the active voting members.

6. Whenever a vacancy occurs in any Council seat, whether by death, resignation, or automatic removal, such vacant seat shall no longer be counted as an active voting member in determining a quorum until a successor has been appointed by the secretary to fill the unexpired term.

7. Officers of the council shall include a chairperson, vice-chairperson, and secretary.

8. All meetings shall be conducted in accordance with the state's open meetings law. Procedural matters shall be conducted in accordance with the latest edition of Robert's Rules of Order.

9. Members shall serve without compensation or reimbursement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7306. General Requirements

A. Current Louisiana child care license shall be on display in an area accessible to and regularly used by parents and visitors, except for church affiliated facilities (RS 46:1408.D) that choose to keep the license on file and available upon request.

B. All programs shall operate within the licensed capacity, age range, and/or other specific services designated on the license. In addition, the program shall operate within the hours of operation on file with the Licensing Section.

C. The facility's indoor and outdoor space shall be used exclusively by the children and facility staff during operating hours. Exceptions are allowed only for schools or churches regarding the shared use of kitchens, dining rooms, restrooms, and outdoor space. A child care facility, except one located in a church or school, shall be physically separated from any other business or enterprise, preventing access to children in care.

D. The provider shall maintain in force at all times current commercial liability insurance for the operation of a facility to ensure medical coverage for children in the event of accident or injury while in the care of the provider. Documentation shall consist of the insurance policy, current binder, or certificate of insurance that includes the name of the child care facility, physical address of the facility, name of the insurance company, policy number, period of coverage, and explanation of the coverage. An accident policy is acceptable in lieu of medical coverage on the commercial general liability policy if the cost of the policy is incurred by the provider.

E. Provider shall not require parents to waive the provider's responsibility while the child is in the care of the provider. Provider may not issue any disclaimer of responsibility in any of its policies, handbooks, parent contracts, advertising, or any other written or verbal form. This includes activities on or off the premises.

F. The provider shall have documentation of approval from the Office of Public Health, Sanitarian Services. If food is not prepared on site, written approval of the catering/transporting of the food is required from the Office of Public Health.

G. The provider shall have documentation of approval from the Office of State Fire Marshal.

H. The provider shall have documentation of approval from the Office of City Fire Department, if applicable.

I. The provider shall have certificate of occupancy (zoning), if applicable.

J. A daily attendance record for children, including the first and last name of each child, the time of arrival and departure of each child, and the first and last name of the person or entity to whom the child was released, shall be maintained. This record shall accurately reflect the children on the child care premises at any given time.

1. If the record is completed by facility staff, that individual shall write the first and last name of the person to whom the child was released and sign his/her own first and last name. Children who leave and return to the facility during the day shall be signed in and signed out.

2. A computerized sign in/out procedure is acceptable if the record accurately reflects the time of arrival and departure, as well as the first and last name of the person to whom the child was released. A print out of the computer record shall be provided immediately upon request. Information shall be available in the event of a power outage, computer downtime, or an emergency situation.

K. A daily attendance record for staff, including the director and owner, to include the staff's first and last name and the time of arrival and departure shall be maintained.

This record shall accurately reflect persons on the child care premises at any given time. Staff shall document in/out when not on the child care premises.

L. Any visitor to the facility shall be accompanied by a staff person at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7307. Policies and Procedures

A. The provider shall have written policies and procedures available to staff and parents that shall include: days and hours of operation, including scheduled days/holidays when the facility is closed; admission policies and criteria; procedure for receiving and releasing a child from the facility; procedure for handling illnesses and injuries, including procedures when away from the child care facility; procedure for transportation of children; disenrollment procedures; and guidelines regarding biting behavior, treatment of bites, and notification to parents of the children involved. The provider shall keep the names of the children involved in the child-biting confidential.

B. The provider shall develop and follow a written daily schedule that includes times of planned activities, allowing for flexibility and change. The written, current, daily schedule for each group of children shall be posted in each room. If different schedules are used seasonally or for night time care, the current schedule shall be posted. All schedules shall be available for review by parents and licensing staff upon request. Activities on the daily schedule shall be age appropriate and shall be adhered to with reasonable closeness, but shall accommodate and have due regard for individual needs and differences among the children. The daily schedule shall list times for indoor and outdoor play (weather permitting) that includes activities that support children's development of social, emotional, physical, language/literacy, cognitive/intellectual and cultural skills, meals/snacks, rest time, and other routines, including but not limited to hand washing and toileting. Indoor and outdoor play shall include periods that incorporate free play, gross motor activities, fine motor activities, and vigorous and quiet activities.

1. Children under two years of age shall be provided time and space for age appropriate physical activity for at least 60 minutes per day (includes indoor and outdoor activities).

2. Children two years of age and older shall be provided 60 minutes of physical activity per day (includes indoor and outdoor activities) that includes a combination of both teacher led and free play.

3. Infants shall be allowed to sleep according to their individual schedules.

4. Children four years of age and younger shall have daily rest time of at least one hour in programs operating more than five hours per day.

5. Children five years of age and older shall be offered the opportunity for quiet time.

6. If there are daily activities involving electronic devices, including but not limited to television, movies, games, videos, computers, hand held electronic devices, etc., these activities shall be included on the written daily schedule. Electronic device activities for children under two

years of age, including but not limited to television, movies, games, videos, computers, hand held electronic devices, etc., shall be prohibited. Time allowed for electronic device activities for children ages two and above, including but not limited to television, movies, games, videos, computers, hand held electronic devices, etc., shall not exceed 60 minutes per day on a daily basis and 2.5 hours per day on school holidays or during the summer months.

7. Computers that allow internet access by the children shall be equipped with monitoring or filtering software, or an analogous software protection, that limits children's access to inappropriate web sites, e-mail, and instant messages.

8. Programs/movies/video games with violent or adult content, including but not limited to soap operas, television news, or sports programs aimed at audiences other than children, shall not be permitted in the presence of children. All television, video/DVD, or other programming shall be suitable for the youngest child present. "PG" or "PG-13" programming or its television equivalent shall not be shown to children under age five. "PG" programming/movies shall only be viewed by children age five and above with written parental authorization. "PG-13" programming/movies shall only be viewed by children age 13 and above with written parental authorization. Parental authorization shall include the name of the program/movie, child's name, parent's signature, and date. Any programming with a rating more restrictive than "PG-13" is prohibited.

9. All video games shall be suitable for the youngest child with access to the games. "E10+" rated games shall be permitted for children age 10 years of age and above. "T" rated games shall not be shown to or played by children under age 13. "M" rated games shall not be permitted.

C. The provider shall establish and follow a written, posted policy describing all methods of behavior guidance and management that will be used by staff to manage children's behavior. The provider shall ensure that the following are adhered to: no child shall be subject to physical punishment, corporal punishment, verbal abuse, or threats. Prohibited actions include but are not limited to yelling, slapping, spanking, yanking, shaking, pinching, requiring a child to exercise, placing a child into uncomfortable positions, exposing a child to extreme temperatures or other measures producing physical pain, putting anything in a child's mouth, using abusive or profane language including but not limited to telling a child to "shut up", or threatening a child with a prohibited action even though there is/was no intent to follow through with the threat. Cruel, severe, unusual, or unnecessary punishment shall not be inflicted upon children. Derogatory remarks shall not be made in the presence of children about family members of children in care or about the children themselves. No child or group of children shall be allowed to discipline another child. No child or group of children shall be allowed to bully another child. No child shall be deprived of food or beverages. Children shall not be restrained by devices, including but not limited to high chairs or feeding tables, for disciplinary purposes. Children shall not have active play time withheld as punishment. Time out, if used, shall take place within sight of staff. The length of each time out session shall be based on the age of the child and shall not exceed one minute per each year of age of the child.

Time out shall not be used for children under age two as these children are too young to cognitively understand the consequence.

D. The provider shall establish and follow a written, posted abuse/neglect policy that includes the following information: As mandated reporters, all staff and owners shall report any suspected abuse or neglect of a child in accordance with R.S. 14:403 to the local Child Welfare Section. The provider shall not delay reporting suspected abuse or neglect to the local Child Welfare Section in an attempt to conduct an internal investigation to verify the abuse/neglect allegations. As required by Louisiana law, the provider shall not require any staff, including unpaid staff, to report suspected abuse/neglect to the provider or management prior to reporting to the Child Welfare Section. Contact the local Child Welfare Section (child protection).

E. Parents shall be advised of the licensing authority of DCFS Licensing Section. Parents shall also be advised that they may call or write the Licensing Section should they have significant, unresolved licensing complaints. This written policy as well as the current telephone number and address of the Licensing Section shall be posted.

Department of Children and Family Services
Division of Programs
Licensing Section
P. O. Box 3078
Baton Rouge, LA 70821
(225) 342-9905 Fax: (225) 342-9690

F. Providers shall post information advising parents that licensing inspections, regulations, and information regarding licensed child care facilities are available online at the DCFS website. In addition, parents shall be advised that licensing inspections are also available upon request to DCFS.

G. The provider shall establish and follow a policy for enrolled children advising parents that they are welcome to visit the facility anytime during regular hours of operation. This written policy shall be posted.

H. The provider shall offer at least three parent involvement opportunities each year. Activities may include but are not limited to open house, parent education session, parent/staff conference, family pot luck dinner, holiday party, parent/grandparent's day, week of the young child, or carnival. Provider shall maintain parent notices of the parent involvement activities offered.

I. The provider shall establish and follow a non-discrimination policy that prohibits discrimination by child care providers on the basis of race, color, creed, sex, national origin, handicapping condition, ancestry, or whether the child is being breastfed. This written policy shall be posted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7308. Children's Records

A. A record shall be maintained on each child to include:

1. child's information form signed and dated by the parent and updated as changes occur, listing: the child's name, date of birth, sex, date of admission; name of parent(s) and child's and parent's home address; phone numbers where the parents can be reached while the child is in care; name and phone number of a responsible person to contact in an emergency if parents cannot be located promptly; name and telephone number of child's physician;

name and telephone number of the child's dentist, if applicable; any special concerns, including but not limited to allergies, chronic illness, and any special needs of the child, if applicable; and any special dietary needs, restrictions, or food allergies/intolerances, if applicable.

2. A written authorization signed and dated by the parent to secure emergency medical treatment.

3. A written authorization signed and dated by the parent noting the first and last names of individuals to whom the child may be released other than the parent(s), including any other child care facilities, transportation services, or any person or persons who removes the child from the facility.

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

b. Any additions/deletions shall be signed and dated by the parent.

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

4. A written statement from a medical authority when the child requires a special diet for medical reasons.

5. A written statement from the child's parent when the child is on a modified diet for religious reasons.

B. The provider shall obtain written, informed consent from the parent prior to releasing any information, recordings, or photographs from which the child might be identified, except for authorized state and federal agencies. This one time written consent shall be obtained from the parent and updated as changes occur.

C. The provider utilizing any type of recordings or taping of children, including but not limited to digital recordings, videotaping, audio recordings, web cam, security monitoring, etc., shall obtain documentation signed and dated by the parent indicating their awareness of such recordings/monitoring and its potential uses.

D. The provider shall maintain the confidentiality and security of all children's records. Staff shall not disclose or knowingly permit the disclosure of any information concerning the child or his/her family, directly or indirectly, to any unauthorized person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7309. Required Staff

A. Each facility shall have a qualified director or director-designee who is an on-site, full-time staff person at the licensed location during the day time hours of operation (prior to 9 pm) and who is responsible for planning, managing, and controlling the facility's daily activities, as well as responding to parental concerns and ensuring that minimum licensing requirements are met.

B. When the director or director designee is not on the premises due to a temporary absence, there shall be an individual appointed as staff-in-charge who is at least 21 years of age. This staff shall be given the authority to respond to emergencies, inspections/inspectors, parental concerns, and have access to all required information. All staff shall be notified of this designation.

C. Staff shall be age 18 years or older. However, the provider may include in the child/staff ratio a person 16 or 17 years of age who is never left alone with children and who works under the direct supervision of a qualified adult staff.

D. When children are picked up or dropped off at the facility by a public or private school bus, staff shall be present to safely escort children to and from the bus.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7310. Personnel Records/Qualifications

A. At least one staff assigned to a group of children shall provide documentation of a high school diploma or GED. Within three years of effective date of these regulations, all staff having supervisory and /or disciplinary authority over children shall provide documentation of a high school diploma or GED. Staff currently employed as of the effective date of these regulations are not required to meet this standard as long as their employment remains continuous with their current owner.

B. A record for each paid and unpaid staff person, including substitutes and foster grandparents, shall be on file at the facility. Record shall include:

1. an application or a staff information form with the following information: name; date of birth; address; phone number; previous training/work experience; educational background; staff hire date; and staff last date of employment and reason for leaving, if applicable.

2. a copy of a state or federal government issued photo ID.

3. documentation of three current, reference checks or phone notes signed and dated attesting affirmatively to his/her character, qualifications, and suitability to care and supervise children. These references shall be obtained from persons not related to the staff person. A letter from the foster grandparent agency, signed and dated by the agency representative, stating that references were checked and affirmed his/her character, qualifications, and suitability to care and supervise children, is acceptable for foster grandparents.

4. a written job description signed and dated by the staff person for each position, listing specific duties and whether or not the individual has supervisory or disciplinary authority over children.

5. documentation of a satisfactory criminal record check from Louisiana State Police as required by R.S. 46:51.2. This check shall be obtained prior to the individual being present on the child care premises. No person with a criminal conviction of a felony, or a plea of guilty or nolo contendere to a felony, or conviction of or a plea of guilty or nolo contendere to any offense included in R.S. 15:587.1, R.S. 14:2, R.S. 15:541 or any offense involving a juvenile victim, shall be eligible to own, operate, and/or be present in any capacity on the child care premises. For any owner or operator, a clear criminal background check in accordance with 46:51.2 shall be obtained prior to the issuance of a

license or approval of a change of ownership. In addition, an owner, a director, or a director designee shall not have a conviction of, or plea of guilty or nolo contendere to any crime in which an act of fraud or intent to defraud is an element of the offense.

a. An individual that applies for a position of supervisory or disciplinary authority over children in a child care facility may provide a certified copy of their criminal background check obtained from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police. If an individual provides a certified copy of their criminal background check obtained from the Louisiana State Police to the provider, this criminal background check shall be accepted by DCFS for a period of one year from the date of issuance of the certified copy. A photocopy of the certified copy shall be kept on file at the facility in which the individual is currently employed. However, prior to the one year date of issuance of the certified criminal background check, the provider shall request and obtain a satisfactory criminal check from Louisiana State Police in order for the individual to continue employment at the facility. If the clearance is not obtained by the provider prior to the one year date of issuance of the certified criminal background check, the staff person is no longer allowed on the child care premises until a clearance is received.

6. Prior to employment, each prospective employee or volunteer shall complete a state central registry disclosure form (SCR 1) provided by DCFS as required by R.S. 46:1414.1.

C. The following information shall be kept on file for therapeutic professionals and extracurricular personnel, e.g., computer instructor, dance instructor, tumble bus personnel, speech therapists, licensed health care professionals, state-certified teachers employed through a local school board, art instructors, and other outside contractors:

1. Documentation of a satisfactory criminal record check from Louisiana State Police as required by R.S. 46:51.2. This check shall be obtained prior to the individual being present on the child care premises. No person who has been convicted of, or a plea of guilty or nolo contendere to, any offense included in R.S. 15:587.1, R.S. 14:2, R.S. 15:541 or any offense involving a juvenile victim shall be present in any capacity on the child care premises.

a. Independent contractors, therapeutic professionals, and/or extracurricular personnel may provide a certified copy of their criminal background check obtained from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police to the provider prior to being present and working with a child or

children at the facility. If an individual provides a certified copy of their criminal background check obtained from the Louisiana State Police to the provider, this criminal background check shall be accepted by the DCFS for a period of one year from the date of issuance of the certified copy. A photocopy of the certified copy shall be kept on file at the facility. Prior to the one year date of issuance of the certified copy, the individual shall request and obtain a current certified copy of their criminal background check obtained from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police in order to continue providing services to any child the child care facility. If the clearance is not provided to the provider prior to the one year date of issuance of the certified criminal background check, the individual shall no longer be allowed on the child care premises until a clearance is received. This criminal background check shall be accepted by the DCFS for a period of one year from the date of issuance of the certified copy. A photocopy of the certified copy shall be kept on file at the facility.

2. Documentation of their presence at the facility is to include: name; date of visit; arrival and departure times; and purpose of visit.

D. The following information shall be kept on file at the facility for each student trainee:

1. an application or a staff information form to include: name; date of birth; address and phone number; and name of educational facility and course instructor;

2. duties performed while present in the child care facility; and

3. documentation of their presence at the facility to include: name, date of visit, arrival and departure times, and purpose of visit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7311. Director Qualifications

A. The director/director designee shall be at least 21 years of age, have a high school diploma or GED, and one year of experience in a licensed child care facility or comparable setting.

B. The director/director designee shall have documentation of meeting 100 points in the three categories of education, experience, and administration related training in accordance with chart below. In obtaining the 100 points, all three categories shall be used. Duplicate trainings provided by the same trainer are not accepted.

Education	Points	Experience 1 point per year – staff without supervisory or disciplinary authority over children. 2 points per year – staff with supervisory or disciplinary authority over children. 4 points per year – director or director designee approved by Licensing (up to maximum number of points)	Maximum Points	Administration & Job Specific Related Training	Maximum Points
Bachelor's or higher degree from a college or university recognized by the US Department of Education in Early Childhood Education or Child Development	75	Full-time (32 hours or more per week) in a child care facility or comparable setting	40	Administrator Certificate from La Pathways	60
Bachelor's or higher degree from a college or university recognized by the US Department of Education related to school age care for a School-Age Only Program	75	Part-time (less than 32 hours per week) in a child care facility or comparable setting	20	3 college credit hours in child care administration and/or business administration	45
Associate's degree from a college or university recognized by the US Department of Education in Early Childhood Education or Child Development or Bachelor's degree in child- related field	50	Full-time (32 hours or more per week) in a child development related experience	20	2 college credit hours in child care administration and/or business administration	30
Bachelor's or higher degree from a college or university recognized by the US Department of Education in non-child related field	40	Part-time (less than 32 hours per week) in a child development related experience	10	1 college credit hour in child care administration and/or business administration	15
Associate's degree from a college or university recognized by the US Department of Education in non-child related field	30	Experience as a registered family day care home	20	One point awarded for each clock hour of training in child care administration and/or business administration	75
Current Child Development Associate (CDA)	30			Current National Administrator's Credential	40
Diploma from a vocational school in child development or early education	20			One point awarded for each clock hour in child development or early childhood education	40
Directors grandfathered in prior to (date) that do not meet the above qualifications	10			Approved correspondence course	40

C. Directors who met qualifications prior to the implementation of the current standards shall retain their qualified status as long as their employment remains continuous with their current owner. If the director's employment is not continuous or the facility undergoes a change of ownership, he/she will have two years from the date of the new director position to meet current director requirements. However, if the facility's license is revoked, application is denied, or license is not renewed, the director shall be required to meet qualifications under the current standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7312. Staff Development and Training

A. Orientation Training

1. Within five business days of employment and prior to assuming sole responsibility for a group of children, each staff member, including substitutes and foster grandparents,

shall receive orientation to facility's policies and practices to include the following topics: facility policies and practices, including health and safety procedures; emergency preparedness and evacuation planning; supervision of children; behavior guidance and management policy, including prohibited methods; job description; individual needs of the children enrolled; detecting and reporting child abuse and neglect, including the definition of mandated reporter; reporting and documenting incidents (accidents, injuries, illnesses, unusual behavior, etc.); current Child Care Class "A" Minimum Licensing Standards; daily schedule; confidentiality of information regarding children and their families; SIDS training, approved by DCFS, for all staff in facilities licensed to care for children under age 2.

2. All staff responsible for transporting children (drivers and monitors) shall receive additional orientation training in the following areas prior to assuming their transportation duties: transportation regulations, including modeling of how to properly conduct a visual check of the vehicle and demonstration by staff to director on how to

conduct a visual check; the proper use of child safety restraints required by these regulations and state law; the proper loading, unloading, and tracking of children as required by these regulations; the location of the first aid kit; and the emergency procedures for the vehicle, including actions to be taken in the event of accidents or breakdowns.

3. Orientation training (within five business days of employment and prior to assuming sole responsibility for a group of children) shall include four days of supervised work with children.

4. Documentation of the orientation training shall consist of a statement/checklist in the staff record signed and dated by the staff person and director, attesting to having received the applicable orientation training (Section 7312.A.1-4), the dates of the orientation training, and the dates of the supervised work with children.

B. CPR and First Aid

1. A minimum of two staff on the premises shall have documentation of current infant/child/adult certification in CPR. Original cards shall be presented upon request. This training shall be approved by DCFS prior to acceptance. Approved courses are listed on the DCFS website. Staff who maintain current certification as a first responder are considered to have current certification in CPR.

2. In addition to meeting the requirements of Section 7312.B.1, facilities with multiple buildings or floors shall have at least one currently certified staff in approved infant/child/adult CPR in each building and on each floor of the facility. Original cards shall be presented upon request.

3. A minimum of two staff on the premises shall have documentation of current pediatric first aid certification. Original cards shall be presented upon request. This certification shall be approved by the DCFS prior to acceptance. Approved courses are listed on the DCFS website. Staff who maintain current certification as a first responder are considered to have current certification in pediatric first aid.

4. In addition to meeting the requirements of Section 7312.B.3, facilities with multiple buildings or floors shall have at least one currently certified staff in approved pediatric first aid in each building and on each floor of the facility. Original cards shall be presented upon request.

5. For providers that arrange or provide transportation, at least one staff in each vehicle (facility provided or contract) shall have documentation of current infant/child/adult CPR certification and current pediatric first aid certification. Original cards shall be presented upon request.

6. At least two of the staff on the field trip, including water-related field trips, shall have documentation of current infant/child/adult CPR certification and pediatric first aid certification. Original cards shall be presented upon request.

7. Non-vehicular excursions shall require at least one staff in attendance and accessible to children at all times with documented current certification in infant/child/adult CPR and pediatric first aid. Original cards shall be presented upon request.

C. Medication Administration Training. Each facility, whether administering medication or not, shall have at least two staff trained in medication administration; however, all staff that administer medication shall have medication administration training. Training shall be obtained every two

years from an approved Child Care Health Consultant. By virtue of his/her current license, a licensed practical nurse (LPN) or registered nurse (RN) shall be considered to have medication administration training.

D. Ongoing Training

1. The director shall conduct and document at least one staff training monthly in which child care topics are reviewed with facility staff. Training may be in the form of meetings, newsletters, policy memos, or other forms of staff communication. Documentation of all forms of training shall consist of the date of the training, topics of training, and signatures of all staff verifying completion of training. Each quarter, at least one training session shall be conducted face-to-face with the staff. At least quarterly, topics shall include but are not limited to the following: preventive measures to eliminate or decrease the number and severity of incidents or accidents; problem areas identified by licensing personnel, parents, and/or staff; and other child care areas as deemed necessary by the director.

2. When a staff person is re-trained, counseled, or reprimanded in response to an incident, documentation shall include date, topic(s), and signatures of staff and director.

3. The director shall ensure that each paid and unpaid staff, including substitutes and Foster Grandparents, receives training on an annual basis in the following topics: facility policies and practices, including health and safety procedures; emergency preparedness and evacuation planning; supervision of children; behavior guidance and management policy, including prohibited methods; job description; individual needs of the children enrolled; detecting and reporting child abuse and neglect (including the definition of mandated reporter); reporting and documenting incidents (accidents, injuries, illnesses, unusual behavior, etc.); current Child Care Minimum Licensing Standards; daily schedule; and confidentiality of information regarding children and their families. Documentation shall consist of a checklist/statement signed and dated by the staff and the director that these topics have been covered.

E. Continuing Education

1. All paid and unpaid staff who are left alone with the children or who have supervisory or disciplinary authority over children, however temporary, shall complete 24 clock hours of DCFS-approved training each calendar year in job-related subject areas beginning in January 2012. Hours are pro-rated if a staff person has not been employed for the entire 12-month period. DCFS shall make available at least nine clock hours of approved on-line training each calendar year at no cost to the staff. Documentation shall consist of certificates received by staff. Original certificates shall be presented upon request. Medication administration training by a Child Care Health Consultant may count toward fulfilling up to three hours towards the 24 clock hour requirement in the calendar year that the training was completed. Infant/Child/Adult CPR may be counted up to three hours towards the 24 clock hour requirement in the calendar year that the training was completed. Pediatric First Aid may be counted up to three hours towards the 24 clock hour requirement in the calendar year that the training was completed. The required annual training hours from the DHH may be counted up to four hours towards the 24 clock hour requirement in the calendar year that the training was completed.

2. Foster grandparents who are not counted in the child/staff ratio are excluded from this 24 clock hour training requirement.

3. Staff who are not counted in the child/staff ratio, are never left alone with children, or do not have supervisory or disciplinary authority over children are excluded from the 24 clock hour training requirement.

4. Directors/director designees shall complete three hours of DCFS approved training in facility administration practices. These hours may be counted towards the 24 clock hour requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7315. Required Child/Staff Ratios and Group Size

A. There shall always be a minimum of two staff present during hours of operation when children are present. In addition, child/staff ratios shall be met at all times as the number of children supervised by one staff person shall not exceed the ratios as indicated below. Only those staff members directly involved in child care and supervision shall be considered in assessing child/staff ratio.

Ages of Children	Child/Staff	Child/Staff
Ratio	Ratio	Ratio Effective May 1, 2012
Infants under 12 months	5:1	5:1
One year old	7:1	7:1
Two year old	11:1	9:1
Three year old	13:1	13:1
Four year old	15:1	15:1
Five year old	19:1	19:1
Six year old and up	23:1	23:1

1. When a mixed group includes children less than five years of age, the age of the youngest child determines the ratio for the group to which the youngest child is assigned.

2. An average of the child/staff ratio may be applied to a group of children ages five and older. During rest time, required staffing shall be present in the building and available to assist as needed to satisfy child/staff ratios. (Refer to Section 7317 regarding supervision requirements.)

B. When the nature of a special need or the number of children with special needs warrants added care, the provider shall add sufficient staff as deemed necessary by the Licensing Section in consultation with the provider to accommodate for these needs. Provider shall submit a written proposal for approval to the Licensing Section describing the staffing plan.

C. Child/staff ratios listed below shall apply when children are engaged in water activities, excluding water play activities unless children are participating in swimming lessons with a certified water safety instructor.

Three year old	13:2
Four year old	15:2
Five year old	19:2
Six year old and up	23:2

1. The child/staff ratio for the youngest child determines the ratio when children are of mixed ages in a group.

D. Child/staff ratio as specified in Sections 7315.A plus two additional adults shall be met for all field trips, excluding water activity field trips, for children ages 4 years and younger. An adult staff member from the licensed program shall be present with each group of children. At no time shall a child or group of children be left alone without an adult staff member present unless the child is supervised by his/her own parent or designated representative authorized by the parent.

E. Child/staff ratio as specified in Section 7315.A, plus one additional adult, shall be met for all field trips, excluding water activity field trips for children ages 5 years and older. An adult staff member from the licensed program shall be present with each group of children. At no time shall a child or group of children be left alone without an adult staff member present unless the child is supervised by his/her own parent or designated representative authorized in writing by the parent.

F. Child/staff ratio as specified in Section 7315.A, plus one additional adult, shall be met for all non-vehicular excursions, excluding water activity excursions. An adult staff member from the licensed program shall be present with each group of children. At no time shall a child or group of children be left alone without an adult staff member present unless the child is supervised by his/her own parent or designated representative authorized in writing by the parent.

G. A designated number of children shall relate to a designated staff on a regular and consistent basis.

H. Maximum number of children per group shall not exceed the following:

Ages of Children	Group Size	Group Size Effective May 1, 2013
Infants under 12 months	NR	10
One year old	NR	14
Two year old	NR	18
Three year old	NR	26
Four year old	NR	30
Five year old	NR	NR
Six year old and up	NR	NR

I. A group is determined by the number of children cared for by a caregiver or group of caregivers in a designated area not to exceed the maximum group size.

J. When more than one group of children use the same room, the room is divided into designated activity areas for each group, using a temporary wall or physical barrier that is at least three feet in height and appropriate for defining limits and reducing distraction.

K. Groups with their assigned staff may be combined for special group activities (e.g., movie time, outdoor play, indoor sports activities, meals, rest time, or field trips). Designated area requirements do not apply during these activities.

L. The DCFS form noting child/staff ratios and group size shall be posted in each room included in the facility's licensed capacity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7317. Supervision

A. Children shall be supervised at all times on the premises, on field trips, and on non-vehicular excursions, including all water activities. Children shall not be left alone in any room, (excluding the restroom as noted in Section 7317.B) outdoors, or in vehicles, even momentarily, without a staff present. A staff person shall be assigned to supervise specific children whose names and whereabouts that staff person shall know and with whom the staff person shall be physically present. Staff shall be able to hear and see each child in his/her care.

B. Children who are developmentally able may be permitted to go to the restroom on the child care premises independently, provided that: staff member's proximity to children assures immediate intervention to safeguard a child from harm while in the restroom; individuals who are not staff members may not enter the facility restroom area while in use by any child other than their own child; children five years of age and younger shall be supervised by staff members who are able to hear the child while in the restroom; and children six years of age and older may be permitted to go and return from the restroom without staff; however, staff must know whereabouts of child.

C. When children are outside, the staff member shall be able to summon another adult staff without leaving the group unsupervised.

D. Staff shall actively supervise children engaged in water activities and shall be able to see all parts of the swimming pool, including the bottom.

E. Children ages two years and above may be grouped together at rest time with one staff in each room supervising the resting children. If two rooms share a common doorway, one staff may supervise the resting children. If the view of the staff supervising the children is obstructed by an object such as a low shelving unit, children shall be checked by sight by staff continually circulating among the resting children.

F. Areas used by the children shall be lighted in such a way as to allow visual supervision at all times.

G. While on duty with a group of children, staff shall devote their entire time to supervising the children, meeting the needs of the children, and participating with them in their activities. Staff duties that include cooking, housekeeping, and/or administrative functions shall not interfere with the supervision of children.

H. Diaper changing areas shall be situated so that if only one staff is supervising the group, the staff's back shall not be to the remaining children in the group unless a mirror is positioned that allows the staff to see the remaining children.

I. Individuals who do not serve a purpose related to the care of children or who hinder supervision of the children shall not be present in the facility.

J. The entire facility and play yard shall be checked after the last child departs to ensure that no child is left unattended at the facility. Documentation shall include date, time of visual check, and signature of the staff conducting the visual check.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7319. Food Service and Nutrition

A. Well-balanced and nourishing meals and snacks that are of sufficient proportions and nutritional value to meet each child's health needs shall be provided and served at the facility as specified under the Child and Adult Care Food Program of the United States Department of Agriculture. A minimum of a breakfast or morning snack, lunch, and afternoon snack shall be served to children; however, meals and snacks shall be served at least every two and one-half to three hour intervals. In addition, if after-school children arrive and have not eaten within the last three hours, they shall be served a meal or snack within 30 minutes of arrival time.

B. Additional servings of nutritious food over and above the required daily minimum shall be provided to children if requested, unless there are special dietary written instructions from the child's doctor, a registered nutritionist, registered dietitian, or parent.

C. Children under 4 years of age shall not have foods that are implicated in choking incidents. Examples of these foods include but are not limited to the following: whole hot dogs, hot dogs sliced in rounds, raw carrot rounds, whole grapes, hard candy, nuts, seeds, raw peas, hard pretzels, chips, peanuts, popcorn, marshmallows, spoonfuls of peanut butter, and chunks of meat larger than what can be swallowed whole.

D. Children shall be allowed the time to eat each meal and snack within a reasonable time. Children shall not be forced to finish all their food.

E. Children shall be encouraged without coercing or negative consequences to eat a well balanced diet.

F. The week's menu shall be planned and prominently posted by the first day of each week and remain posted throughout the week. Posted menus shall be date-specific and shall list the specific food items served. If rotating menus are utilized, documentation shall note which menu is current. Menu substitutions or additions shall be posted on or near the menu. Any substitution shall be of equal nutritional value.

G. Information regarding children's food allergies/special diets shall be posted in the food prep area with special care so that the individual children's names 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, the provider shall obtain a signed and dated statement from the parent granting such permission.

H. Children's food shall be served on individual plates, napkins, paper towels, or in cups, as appropriate.

I. Providers who do not serve breakfast shall have nutritious food available for children who arrive in the morning without having eaten breakfast.

J. Food shall not be sold to the children. Soft drink vending machines and other food dispensers for personnel use shall be located outside of the areas utilized by children and shall be inaccessible to children.

K. Infants shall be held while being bottle-fed to provide a nurturing experience; however, if written permission is obtained from the parent, an infant or child who can hold a bottle may be placed in a crib, on a mat, in a carrier, etc.

L. A child's bottle shall not be propped at any time.

M. Microwave ovens shall not be used for warming bottles or infant food.

N. Drinking water shall be readily available indoors and outdoors to children at all times. Drinking water shall be offered and children shall be encouraged to drink water at least once between meals and snacks, before going outdoors, and upon returning from outdoors. Water shall be given to infants only with written instructions from parents or child's physician.

O. Parents/children are not allowed to bring food into the facility with the exception of bottled formula, breast milk, infant food, special dietary items related to medical or religious reasons, and refreshments for special occasions.

P. Bottled formula/breast milk shall be in labeled bottles or containers with labeled caps/covers with the child's name or initials. Bottles and containers shall be refrigerated upon arrival. Used and unused bottles shall be sent home daily.

Q. Infant food provided by the parent shall be in a container or jar labeled with the child's name or initials. If food is fed directly from the container or jar, any uneaten food shall be discarded after one feeding.

R. Thermometers shall be provided in each refrigerator to ensure that perishable food is refrigerated at 41 degrees Fahrenheit or lower.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7320. Health Service to the Child

A. In accordance with R.S. 46:1428, providers shall provide each child's parent or legal guardian with information concerning the influenza immunization by November 1 of every year. Information shall be provided by DCFS annually to each licensed facility.

B. Upon arrival at the facility, each child's physical condition shall be observed for possible signs of illness, infections, bruises, injuries, etc. When noted, results including an explanation from the parent or child shall be documented.

C. Incidents, injuries, accidents, illnesses, and unusual behavior shall be reported to the parent or guardian no later than the child's release to the parent or authorized representative on the day of the occurrence.

D. Immediate notification to the parent or designated person is required after providing and/or seeking necessary medical attention for the child in the following situations:

blood not contained in an adhesive strip; injury of the neck and head; eye injury; human bite which breaks the skin; any animal bite; an impaled object; broken or dislodged teeth; allergic reaction; skin changes (e.g. rash, spots, swelling, etc.); unusual breathing; symptoms of dehydration; any temperature reading over 101 oral, 102 rectal, or 100 axillary; or any injury or illness requiring professional medical attention.

E. Documentation of incidents/injuries/accidents shall be maintained. Documentation shall include:

name of child; date and time of incident; location where incident took place; description of how incident occurred;

part of body involved; description of injury; number and name of staff in classroom or on playground where incident/injury/accident occurred; number of children in classroom or on playground where incident/injury/accident occurred; actions taken by staff; time of parental notification

(unsuccessful attempts to notify the parents/guardians, including phone number and times called, shall be documented); name of the person notified; signature of person notifying parent; and any corrective action to ensure that the incident does not re-occur. The report shall be signed by the individual to whom the child is released on the day of the incident. If the parent refuses to sign, a staff shall document that decision.

F.1. Documentation of illnesses or unusual behavior shall be maintained. Documentation shall include:

a. child's name; type/description of illness or unusual behavior; date and time of onset and actions taken;

b. time of parental notification (unsuccessful attempts to notify the parents/guardians, including phone number and times called, shall be documented); name of person contacted; and signature of person notifying the parent.

2. The report shall be signed by the individual to whom the child is released on the day of the illness/unusual behavior. If the parent refuses to sign, a staff shall document that decision.

G. In no situation which requires emergency medical attention, shall the provider delay seeking care while attempting to make contact with the parent/guardian.

H. Information regarding a child's medical condition may be posted in public view if the provider obtains a signed and dated statement from the parent granting such permission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7321. Medication Administration

A. For prescription medication to be administered at the facility, the provider shall maintain a standardized printout from the pharmacy. For non-prescription medication to be administered at the facility, the provider shall maintain bottle packaging for the medication or a printed document from the manufacturer's website. This information shall be maintained in order for the provider to be aware of side effects and contraindications.

B. All medication sent to the facility shall be in its original container, shall not have an expired date, and shall be clearly labeled with the child's name to ensure that medication is for individual use only.

C. All aerosol medications shall be delivered to the child care facility in pre-measured dosages. During the administration of this medication, staff shall ensure the child is not disturbed by other children.

D. The provider shall follow any special directions as indicated on the medication bottle (e.g., before or after meals, with food or milk, refrigerate, etc.).

E. If the non-prescription medication label reads "to consult physician", a written physician's authorization with child's name, date, medication name, and dosage shall be on file in order to administer the medication in addition to the parental authorization.

F. When parents administer medication to their own children on the child care premises, the following information shall be documented by either the parent or facility staff: date; child's name; time administered;

medication name; dosage administered; name of person administering medication; and signature of person completing the form.

G. The provider shall not apply topical ointments/sprays/creams (e.g., sunscreen, insect repellent, diaper rash ointment, etc.) without a written annual authorization signed and dated by the parent. If changes occur, parent shall update the authorization with a signature and date.

H. Children shall not administer their own medications without written authorization from the physician. Children shall administer medication in the presence of a staff person. In addition to authorization from the physician, parental authorization shall include: child's name; name of the medication; date(s) to be administered within the current calendar week, excluding emergency and "as needed" medications; dosage (not acceptable to note "as indicated on bottle"); time to be administered, excluding emergency and "as needed" medications; special instructions, if applicable; and signature of parent and date of signature.

I. Medication administration records for children administering their own medication shall be maintained verifying that the medication was given according to physician and parent's authorization, including: date; time; dosage administered; signature of child; and signature of staff person who witnessed administration of medication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7322. Routine Medication Administration (excluding emergency and "as needed" medication)

A. No medication of any type (prescription, non-prescription, or special medical procedure) shall be administered by facility staff unless authorized in writing by the parent. Authorization shall include:

1. child's name;
2. name of the medication; date(s) to be administered within the current calendar week;
3. dosage (not acceptable to note "as indicated on bottle"); time to be administered;
4. special instructions, if applicable; and signature of parent and date of signature.

B. Medication administration records shall be maintained verifying that the medication was given according to parent's authorization, including: date; time; dosage administered; and signature (not initials) of the staff member who gave the medication.

C. All medications shall be sent home at the end of each calendar week.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7323. "As Needed" Medication

A. No "as needed" medication of any type (prescription, non-prescription, or special medical procedure) or maintenance prescription shall be administered by facility staff unless authorized in writing by the parent. Authorization shall be updated every three months by the parent and as changes occur and shall include: child's name;

name of the medication; circumstances for administering "as needed" medication; dosage (not acceptable to note "as indicated on bottle"); special instructions, if applicable; and signature of parent and date of signature.

B. Medication administration records shall be maintained verifying that the medication was given according to parent's authorization, including: date; time; dosage administered; signature (not initials) of the staff member who gave the medication; and phone contact (date and time) with the parent prior to giving "as needed" medication.

C. Children with chronic health needs that require medical procedures such as tube feeding require specific instructions from the child's health care provider as part of an overall care plan. Administration of feedings or medications through a tube-feeding apparatus shall be performed by a staff member trained and authorized by a parent or individual designated by a parent. Parental authorization and training shall be documented and include the child's name, date of the training, name of staff trained, signature of staff trained, and signature of parent. Documentation of feedings/medications administered shall include child's name, date, time, what was administered, and signature of staff that administered food/medication to child.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7324. Emergency Medication

A. No medication of any type (prescription, non-prescription, or special medical procedure) shall be administered by facility staff unless authorized in writing by the parent.

B. There shall be a plan of action and parental authorization for children who require emergency medication (e.g., Epipen, Benadryl). Parental authorization and plan of care shall be updated as changes occur and at least every six months. Parental authorization and plan of care shall include: child's name; name of the medication; dosage (not acceptable to note "as indicated on bottle"); method of administration; symptoms that would indicate the need for the medication; actions to take once symptoms occur; description of how to use the medication; and signature of parent and date of signature.

C. Medication administration records shall be maintained verifying that the medication was given according to the authorization, including: date; time; dosage administered; symptoms noted that indicated the need for the medication; actions taken once symptoms occurred; description of how medication was administered; signature (not initials) of the staff member who gave the medication; and phone contact (date, time, and signature of person who contacted parent) with the parent after administering emergency medication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7325. Safe Sleep Practices

A. Only one infant shall be placed in each crib. All infants shall be placed on their backs for sleeping.

1. Written authorization from the child's physician is required for any other sleeping position. A notice of exception to this requirement shall be posted on or near the baby's crib and shall specify the alternate sleep position. Written authorization from the child's 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 to remain in said device. The written authorization shall be updated every three months and as changes occur.

B. "Back to sleep" signs shall be posted above or on each crib.

C. Infants shall not be placed in positioning devices for sleeping unless the child has a note on file from the child's physician authorizing the device.

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

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

F. Each infant shall be placed in a safety-approved crib with a firm mattress of no more than six inches and with well-fitting sheets.

1. Cribs shall not have more than 2 and 3/8-inches between slats and between the side and end panels.

2. Decorative cutout areas in crib end panels or decorative knobs on the corner posts, which can entrap a child's head or catch his or her clothing, are prohibited.

3. All latching devices on cribs shall hold securely, be maintained in proper working condition, and shall not be accessible by the child in the crib.

4. Full size cribs shall be in compliance with ASTM F 1169-10 as of December 28, 2012.

G. Cribs shall be free of toys and other soft bedding, including fluffy blankets, comforters, bumper pads, pillows, stuffed animals, and wedges when the child is in the crib.

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

I. If a blanket is used for covering an infant, only a thin, lightweight blanket may be used. If used, the blanket shall be tucked in along the sides and foot of the mattress and shall not come up higher than the child's chest.

J. Staff shall visually check on sleeping infants at least every 10 minutes.

K. A "safe sleep" policy, including all requirements of 7325.A-K, shall be posted in a prominent place in the infant room and included as part of parent policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7326. Care of Children

A. Diapers shall be changed when wet or soiled.

B. While awake, children shall not remain in a crib/baby bed, swing, high chair, carrier, playpen, etc., for more than 30 consecutive minutes. Staff shall engage children in individual interaction and provide stimulation to children in these settings in a variety of ways, such as talking to, playing with, holding, and rocking children.

C. Infants shall be given the opportunity each day for supervised play while positioned on their stomachs.

D. Daily written reports to include liquid intake, food intake, child's disposition, bowel movements, eating patterns, and sleeping patterns shall be given to the parents

of infants and one year old children on a daily basis. Reports shall be kept current throughout the day.

E. Children shall never be held by a staff removing a bottle from a warming device.

F. Pacifiers attached to strings or ribbons shall not be placed around a child's neck or attached to a child's clothing.

G. Hot liquids shall not be consumed in the presence of children.

H. Staff shall adhere to proper techniques for lifting a child. Staff shall not lift a child by one or both of child's arms.

I. Children shall be changed and cleaned immediately following a toileting accident.

J. Staff shall respond promptly to a child's request for toileting assistance.

K. Potty chairs, if used, shall not be in the open classroom area.

L. A child's shoe strings shall not be taped to the child's shoes or articles of clothing.

M. Staff and children shall wash their hands at least at the following times: upon arrival at the facility, before preparing or serving meals, while giving medication, after playing in water used by more than one person, after toileting, while helping a child use a toilet or changing diapers, after wiping noses or cleaning wounds, after handling pets and other animals, after playing in sandboxes, before eating meals or snacks, upon coming in from outdoors, after cleaning or handling the garbage, and anytime hands become soiled with body fluids (urine, saliva, blood, or nasal discharge).

N. Soap and single use towels shall be available at hand washing sinks.

O. Air machines for drying hands are prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7327. Indoor Environment

A. Indoor Space Required

1. A minimum of at least 35 square feet per child of usable indoor space shall be available. The space shall not include toilet facilities, hallways, lofts, storage spaces, stairways, lockers, offices, storage or food preparation areas, rooms used exclusively for dining or sleeping, or rooms used exclusively for the care of ill children. Any room counted as play space shall be available for play for the duration of the facility's hours of operation. The maximum number of children in care at one time, whether on or off the premises, shall not exceed the capacity as specified on the current license. Indoor space shall include an area for dining. This area may be in each classroom.

2. The number of children using a room shall be based on the 35 square feet per child requirement, except for dining, sleeping, and other non-routine group activities such as film viewing and parties.

3. Provisions shall be available indoors for temporarily isolating a child having or suspected of having a communicable disease.

4. In rooms where there are cribs, there shall be adequate open floor play space available for crawling, walking, pulling up, and playing that is free of routine-care furniture (changing tables, cribs, rocking chairs, high chairs, etc.).

5. An indoor area shall be maintained for the purpose of providing privacy for diapering, dressing, and other personal care procedures for children beyond usual diapering age (three years of age and above).

B. Indoor Equipment

1. A variety of books, educational materials, toys, and play materials shall be provided, organized, and displayed within children's reach so that they may select and return items independently in each play area. There shall be materials and equipment to address the six areas of development: physical, language/literacy, social, cognitive, emotional, and cultural. Materials shall be available for the number of children in care so that each child is able to play or use equipment without having to wait with no other option available. All materials shall be developmentally appropriate to the needs and ages of the children assigned to each group.

2. Individual, labeled space shall be available for each child's personal belongings.

3. Developmentally appropriate seating shall be used. Chairs and tables of suitable size shall be available for each child.

4. Feeding tables, if age appropriate, may be used at mealtimes. If feeding tables are used, the children's feet must be able to rest comfortably on a foot rest. These same tables may also be used for occasional program activities that require a table surface for no longer than 30 minutes in one day.

5. Staff shall ensure that the high chair manufacturer's restraint device is used when children are sitting in the high chair. Children who are too small or too large to be restrained using the manufacturer's restraint device shall not be placed in the high chair.

6. All diapering surfaces shall be non-porous and shall be sanitized after each use.

7. Individual and appropriate sleeping arrangements shall be made available for each child. Individual crib, cot, or mat of appropriate size, height, and material, sufficient to ensure his/her health and safety, shall be provided. The crib, cot, or mat shall be of adequate size to ensure that the child's head and feet rest on the mat or cot. For programs serving school age children only, individual and appropriate sleeping arrangements shall be made available for a child that requests a rest time.

a. Mattresses shall be of standard size so that they fit the crib frame without gaps of more than 1/2 inch.

b. The mattress support system shall not be easily dislodged from any point of the crib by an upward force from underneath the crib.

c. Cribs shall not have corner post extensions over 1/16 inch or cutouts in the headboards.

d. Non-full size cribs shall meet the following: 16 Code of Federal Regulations- Consumer Product Safety Commission 1509. Non-full size cribs shall be in compliance with ASTM F 406-10a as of December 28, 2012.

e. Homemade cribs and homemade mattresses are prohibited.

f. Crib railings shall be in the upright locked position at all times when the child is in the crib.

g. Mesh-sided playpens shall have mesh which is less than 1/4 inch in size.

8. Stackable cribs are prohibited.

9. Children shall not sleep in playpens or mesh-sided cribs.

10. Each child's sleeping accommodations shall be assigned to him/her on a permanent basis and labeled. If cot and/or mat is sanitized daily, permanent assignment is not required.

11. A labeled sheet or covering shall be provided by either the provider or the parent for covering the child during rest time. The sheet and/or covering shall be assigned to him/her on a permanent basis and labeled. If the sheet and/or covering is laundered daily, permanent assignment is not required.

12. Sheets and coverings shall be changed immediately when soiled or wet. Routine laundering shall occur at least weekly.

13. Cribs, cots, and mats shall be spaced at least 18 inches apart when in use to allow easy access by staff and safe evacuation of children.

14. Trampolines are prohibited.

15. Infant walkers are prohibited.

16. Toy chests, storage bins, and other equipment with attached lids are prohibited.

17. Latex balloons are prohibited for children younger than three years of age and shall not be in areas accessible to children under three years of age.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7328. Outdoor Environment

A. Outdoor Space

1. Outdoor play space with a direct exit from the facility into the outdoor play yard shall be available. If the exit does not open directly onto the play yard, the outdoor play yard shall be attached to the facility in such a manner to ensure that the children are continuously protected by a permanent fence or other permanent barrier while going to or from the outdoor play yard. Children shall not exit the facility through the kitchen. This regulation shall be deemed met for providers who met the outdoor play space requirement prior to the implementation of the current standards as long as no changes are made to the approved space.

2. Facility's outdoor play space shall be used at scheduled outdoor play times. Regularly scheduled off-site excursions shall not be made for the purpose of fulfilling the outdoor playtime requirement. If the facility is located in a school or church, the child care facility shall have time designated for exclusive use of the outdoor play area.

3. The outdoor play space shall be enclosed with a permanent fence or other permanent barrier in such a manner as to protect the children from traffic hazards, to prevent the children from leaving the premises without proper supervision, and to prevent contact with animals or unauthorized persons.

a. The barrier/fence shall be at least four feet in height.

b. Any openings in the fence shall be no greater than 3 1/2 inches to prevent entrapment.

c. The fence shall be maintained in a stable, secure, upright, and good condition that poses no risk to children.

d. Gates shall be closed while children are outdoors.

4. The outdoor play space shall provide a minimum of 75 square feet for each child using the play space at any one time. The minimum outdoor play space shall be available for at least one-third of the licensed capacity.

5. All air conditioning/heating units, mechanical equipment, electrical equipment, or other hazardous equipment shall be inaccessible to children.

6. Crawlspace shall be inaccessible to children.

7. Areas where there are open cisterns, wells, ditches, fish ponds, swimming pools, and other bodies of water shall be made inaccessible to children by fencing and locked gates.

B. Outdoor Equipment, Materials and Furnishings

1. A variety of outdoor play equipment and materials (portable and/or stationary) shall be provided for the number of children in care so that each child is able to play or use equipment without having to wait with no other option available. All materials shall be appropriate to the interests, needs and ages of the children assigned to each group.

2. Play equipment shall be laid out to ensure ample clearance space for the use of each play structure as follows: Stationary play structures 30 inches or less in height shall be spaced at least six feet apart. Stationary play structures more than 30 inches in height shall be spaced at least nine feet apart.

3. Play equipment with swings and/or play surfaces four feet or higher from the ground shall have protective surfacing under the use zone of the equipment. Protective surfacing includes loose fill materials such as sand, pea gravel, wood chips, or rubber chips. Rubber tiles, rubber mats, or poured-in-place rubber are acceptable if they meet the Consumer Product Safety Commission recommendations.

a. Protective surfacing at a depth of eight to ten inches or rubber mats meeting ASTM Standard F-355 shall be used.

b. Protective surfacing shall extend at least six feet in all directions from play equipment with play surfaces four feet or higher from the ground.

c. Protective surfacing shall extend out from swings twice the distance of the height of the pivot point of the swing set structure.

4. Climbing or stationary equipment, regardless of height, shall not be placed directly on asphalt, concrete, or other hard surfaces.

5. Openings in guardrails or between ladder rungs, or any other space that could entrap children, shall measure less than 3.5 inches or more than nine inches.

6. Swing seats made of wood or metal are prohibited.

7. Playground equipment shall be installed so that an average sized adult is not able to cause the fixed structure to wobble or tip.

8. Exposed ends of tubing on playground equipment shall be covered with plugs or caps.

9. Culverts are prohibited on playgrounds.

10. Sandboxes shall be constructed to permit drainage and shall be covered when not in use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7329. Safety Requirements

A. A working phone capable of incoming and outgoing calls shall be available at all times and readily available at the facility. Facilities located in schools and churches shall have a phone within the licensed area. Coin-operated phones, cordless phones, or cellular phones are not acceptable for this purpose.

B. When a facility has multiple buildings and a phone is not located in each building where the children are housed, facility staff shall follow established written procedures for securing emergency help. The written plan shall be posted in each building.

C. Appropriate emergency numbers, including but not limited to numbers for the fire department, police department, and medical facility, and the facility's physical address shall be prominently posted on or near each phone.

D. The telephone number for poison control shall be prominently posted on or near each phone. The Louisiana Poison Control Number is 1-800-222-1222.

E. Indoor and outdoor areas shall be free of hazards.

F. All equipment used by children shall be maintained in a clean, safe condition and in good repair.

1. There shall be no dangerous angles, sharp edges, splinters, protruding nails, nuts and bolts, open S hooks, or pinch points within children's reach.

2. Play equipment shall be free of sharp points, corners, edges, splinters, protruding nails, bolts, or other components that could potentially entangle clothing or snag skin.

G. Microwave ovens and bottle warming devices shall be inaccessible to children.

H. Crock pots are prohibited in areas accessible to children.

I. Moveable equipment, including but not limited to television sets, bookcases, shelves, appliances, warming devices, etc., shall be secured and supported so that it shall not fall or tip over.

J. Prescription and over-the-counter medications, poisons, cleaning supplies, harmful chemicals, equipment, tools, kitchen knives or potentially dangerous utensils, and any substance with a warning label stating it is harmful to or that it should be kept out of the reach of children, shall be locked away from and inaccessible to children. Whether these items are in a cabinet or in an entire room, the area shall be locked. Hand soap shall be accessible to children. Hand sanitizer gel shall be inaccessible to children when not in use.

K. Refrigerated medication shall be stored in a secure container with a lid to prevent access by children and avoid contamination of food.

L. Plastic bags, whether intended for storage, trash, diaper disposal, or any other purpose, shall be made inaccessible to children when not in use.

M. Construction, remodeling, or alterations of structures shall be done in such a manner as to prevent hazards or unsafe conditions (fumes, dust, safety hazards).

N. Secure railings shall be provided for flights of more than three steps and for porches more than three feet from the ground.

O. Accordion gates are prohibited unless there is documentation on file that the gate meets the requirements

as approved by the Office of Public Health, Sanitarian Services.

P. Unused electrical outlets with a distance less than five feet from the floor shall be protected by a safety plug cover.

Q. Strings and cords shall be inaccessible to children under three years of age. These include but are not limited to those found on equipment, window coverings, televisions, radios, etc.

R. First aid supplies shall be kept on-site and easily accessible to employees and not within the reach of children.

S. All areas of the facility used by the children, including sleep areas, shall be properly heated, cooled, and ventilated. Rooms in which infants are sleeping shall be maintained at a temperature between 68 and 73 degrees Fahrenheit.

T. Electric space heaters are prohibited.

U. The provider shall prohibit the use or possession of alcohol, tobacco, illegal substances or unauthorized potentially toxic substances, fireworks, firearms (loaded or unloaded), and pellet or BB guns (loaded or unloaded) on the child care premises. A notice to this effect shall be posted.

V. Staff's personal belongings (including but not limited to contents of purses, backpacks, coat pockets, etc.) shall be inaccessible to children.

W. The provider shall post the current copy of "The Safety Box" newsletter issued by the Office of the Attorney General as required by Chapter 55 of Title 46 of the LRS 46:2701-2711. Items listed as recalled in the newsletter shall not be used and shall be immediately removed from the child care premises.

X. Toxic pesticides shall not be applied while children are present. Once applied, children shall not be present in the applied area for 12 hours.

Y. Lawn Care services shall not occur while children are on the playground or outside of the child care facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7330. Emergency Preparedness and Evacuation Planning

A. The director, in consultation with appropriate state or local authorities, shall establish and follow a written emergency and evacuation plan to protect children in the event of any emergencies. Written multi-hazard plan shall include shelter in place, lock down situations, and evacuations with regard to natural disasters, manmade disasters, and attacks while children are in care. The plan shall be appropriate for the area in which the facility is located and address any potential disaster due to that particular location. The plan shall be reviewed with staff at least twice a year. Documentation shall include staff signatures and date reviewed. At a minimum, the plan shall be reviewed annually by the director for accuracy and updated as changes occur. Documentation of review shall consist of the director signature and date. The plan shall also include information regarding handling children with special needs enrolled in the child care facility as well as instructions for infants through children age two. The plan shall include but shall not be limited to a system to account for all children whether sheltering in place, locking down, or

evacuating to a pre-determined relocation site. The plan shall include a system and back up system to contact parents or authorized third party release caretakers of children (how and when parents will be notified). The plan shall include a system to reunify children and parents following an emergency (how and when parents will be notified). Parents shall be informed of the details of this emergency plan prior to an emergency event.

B. The plan shall include lock down procedures for situations that may result in harm to persons inside the child care facility, including but not limited to a shooting, hostage incident, intruder, trespassing, disturbance, or any situation deemed harmful at the discretion of the director, designee, or public safety personnel. The director shall announce the "Lock Down" over the public address system or other designated system. The alert may be made using a pre-selected code word. In a "Lock Down" situation, all children are kept in classrooms or other designated safe locations that are away from the danger. Staff members are responsible for accounting for children and ensuring that no one leaves the classroom/safe area. Staff shall secure facility entrances, ensuring that no unauthorized individual leaves or enters the facility.

1. Staff and children shall remain in the classroom/safe area, locking the classroom door, turning off the lights, and covering the windows. Staff shall encourage children to get under tables, behind cabinets, etc., and, if possible, engage in quiet story time activities with the children until "all clear" is announced. Parent or authorized representative shall be notified no later than at the time of pick-up at the child's release of a "Lock Down" situation at the facility on the date of the occurrence.

C. An individualized emergency plan (including medical contact information and additional supplies/equipment needed) shall be in place for each child with special needs.

D. If evacuation of the facility is necessary, provider shall have an evacuation pack and all staff shall know the location of the pack. The contents shall be replenished as needed. At a minimum, the pack shall contain the following: list of area emergency phone numbers;

1. list of emergency contact information and emergency medical authorization for all children enrolled;
2. emergency pick up form; first aid kit; hand sanitizer;
3. wet wipes; tissue;
4. diapers if serving children who are not yet potty trained;
5. plastic bags;
6. battery powered flashlight;
7. battery powered radio;
8. batteries;
9. food for all ages of children served, including infant food and formula;
10. disposable cups; and bottled water.

E. If the facility is located within a ten-mile radius of a nuclear power plant or research facility, the facility shall also have plans for nuclear evacuation.

F. Fire drills shall be conducted at least once per month. Drills shall be conducted at various times of the day to include all children (children attending on certain days only and/or at certain times only) and shall be documented. Documentation shall include: date and time of drill; number

of children present; amount of time to evacuate the facility; problems noted during drill and corrections noted; and signatures (not initials) of staff present. The Licensing Section recommends that at least one fire drill every six months be held at rest time.

G. Tornado drills shall be conducted at least once per month in the months of March, April, May, and June. Drills shall be conducted at various times of the day to include all children (children attending on certain days only and/or at certain times only) and shall be documented. Documentation shall include: date and time of drill; number of children present; problems noted during drill and corrections noted; and signatures (not initials) of staff present.

NOTE: For additional information contact the Office of Emergency Preparedness (Civil Defense) in your area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7331. Water Activities

A. The provider shall obtain written authorization from the parent for the child to participate in any water activity or water play activity. The statement shall describe all types of water activities provided and the authorization shall be updated at least annually. It shall list the child's name, type of water/water play activity, location of water activity, parent's signature, and date.

B. Children under three years of age shall not engage in water activities in wading or swimming pools due to the risk of fecal-oral contamination and disease.

C. Use of saunas, spas, or hot tubs by children is prohibited.

D. Swimming, wading, and boating are not allowed at lakes, ponds, or other similar bodies of water.

E. The Provider shall have a written plan that describes the method that will be used by staff to account for children and ensure their safety while engaged in water activities. Staff and children shall be familiar with the method used.

F. If children use a pool or other bodies of water with a depth of more than two feet, a certified lifeguard holding a current certificate shall be on duty supervising the children participating in swimming or wading activities at all times. This individual shall not be counted in child/staff ratio. Original cards shall be presented upon request of the Licensing Section staff.

1. For on-site activities, the provider shall have documentation of the current lifeguard certification. Original cards shall be presented upon request.

2. For off-site activities, documentation as deemed acceptable by the Licensing Section shall be on file at the facility verifying that the supervising adult meets the above requirement or the lifeguard on duty is currently certified.

G. At least two staff responsible for supervising the on-site and/or off-site swimming/wading pools or activities in other bodies of water shall have documentation of current infant/child/adult CPR certification and Pediatric First Aid certification. Original cards shall be presented upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7332. Non-Vehicular Excursions

A. Written parental authorization shall be obtained for all non-vehicular excursions. Authorization shall include the name of child, type and location of excursion, description of planned route, date, and signature of parent, and shall be updated at least annually.

B. The provider shall maintain a record of all non-vehicular excursion activities to include date, time, list of children, staff, and other adults, and type of excursion.

C. Children shall not be taken on a non-vehicular excursion to prevent the facility from being over capacity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7333. Transportation (Facility-Provided, Parent-Provided or Contract-Provided)

A. Transportation arrangements shall conform to state laws, including but not limited to those requiring the use of seat belts and child restraints. Additionally, no child under five years of age shall be transported in any vehicle, including a school bus, unless age and weight appropriate child restraints are utilized.

B. Only one child shall be restrained in a single safety belt.

C. The children shall never be left unattended in a vehicle.

D. Each child shall safely board and/or leave the vehicle from the curb side of the street or shall be escorted across the street.

E. The vehicle shall be maintained in good repair as evidenced by: Ventilation and heating systems shall be operational and used to maintain a comfortable temperature during transport. The vehicle's engine shall be maintained in working mechanical order. The vehicle's interior shall be clean and free of trash and debris. The vehicle's seat coverings shall be in good repair. Written documentation shall be maintained of regular maintenance of all facility vehicles to include monthly inspection of tire wear and pressure, brakes, lights, and functioning seat belts.

F. The use or possession of alcohol, tobacco in any form, illegal substances or unauthorized potentially toxic substances, firearms (loaded or unloaded), or pellet or BB guns (loaded or unloaded) in any vehicle used to transport children is prohibited.

G. The number of persons in a vehicle used to transport children shall not exceed the manufacturer's recommended capacity.

H. The provider shall maintain a copy of a valid appropriate Louisiana driver's license for all individuals who drive vehicles (staff, contracted persons, parents) used to transport children.

I. The provider shall maintain in force at all times current commercial liability insurance for the operation of facility vehicles used to transport children in the event of accident or injury. This policy shall extend coverage to any staff member who provides transportation for any child in the course and scope of his/her employment. Documentation shall consist of the insurance policy or current binder that includes the name of the child care facility, the name of the insurance company, policy number, period of coverage, and explanation of the coverage.

J. The provider shall maintain a copy of the current liability insurance policy for all non-facility-owned vehicles (provided by parents for field trips or provided by contract, whether daily or field trip) used to transport children.

K. Parents shall not be required to waive the provider's responsibility. Provider may not issue any disclaimer of responsibility in any of its policies, handbooks, parent contract, advertising, or any other written or verbal form.

L. The vehicle shall have evidence of a current safety inspection. A signed statement by the provider noting the expiration date of the vehicle's safety inspection is acceptable for a contracted vehicle or a parent's vehicle.

M. There shall be first aid supplies in each provider or contracted vehicle. First aid supplies (at least one per trip) shall be available for each field trip when parents provide transportation. A signed statement by the provider verifying that first aid supplies were available is acceptable for a contracted vehicle or a parent vehicle.

N. There shall be information prominently posted in each vehicle identifying the name of the director and the name, phone number, and address of the facility for emergency situations. A signed statement by the provider verifying the identifying information was posted is acceptable for a contracted vehicle or a parent vehicle.

O. Immediately upon unloading the last child and to ensure that all children have been unloaded, a staff person shall physically walk through the vehicle and inspect all seat surfaces, under all seats, and in all enclosed spaces and recesses in the vehicle's interior. The staff conducting the visual check shall record the time of the inspection and sign his or her full name, indicating that no child was left on the vehicle. Documentation shall be maintained on file at the facility whether provided by facility or contract.

P. Children shall not be transported to prevent the facility from being over capacity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7334. Field Trips (Contract, Facility-Provided or Parent-Provided)

A. All requirements for general transportation, Section 7333, also apply to field trips.

B. The provider shall obtain and maintain a signed parental authorization for each field trip. Field trip authorization shall include the method of transportation, (contract vehicle, facility owned vehicle, parent vehicle), event, location, child's name, date and time of event, parent's signature, and date.

C. The driver plus one staff are required at all times in each vehicle when transporting any child under five years of age. Child/staff ratio shall be met in the vehicle.

D. When only transporting children five years of age and older, at least two staff, one of whom may be the driver, shall be in each facility vehicle unless the following are met: facility vehicle's capacity is less than ten; five or fewer children are being transported; the vehicle has a communication device, and child/staff ratio is met in the vehicle.

E. When only transporting children five years of age and older, at least one staff in addition to the driver shall be in each contracted vehicle unless the following are met:

vehicle's capacity is less than ten; five or fewer children are being transported; the vehicle has a communication device, and child/staff ratio is met in the vehicle.

F. When parents transport children in addition to their own children, there shall be at least one adult present in each vehicle, in addition to the driver. The two adults shall be a parent and an adult staff or two parents of children currently enrolled in the facility who are not related to one another.

G. If transportation is provided by parents, a planned route shall be provided to each driver and a copy maintained in the facility.

H. Children shall be supervised during boarding and exiting vehicles by an adult who remains on the outside of the vehicle.

I. A written record for each field trip shall be maintained to include the following:

1. the date of the field trip;
2. destination of the trip; method of transportation; first and last names of all the children being transported in each vehicle;
3. first and last names of the driver/staff or other adults (parents, volunteers, etc.) being transported in each vehicle;
4. first and last names of other adults who joined the activity at the destination to assist with the supervision of the children;
5. each child's attendance shall be recorded each time they load and unload from the vehicle; and
6. the signature of the person conducting the check and the time the vehicle is checked for each loading and unloading.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7335. Daily Transportation (Contract or Facility-Provided)

A. All requirements for general transportation, Section 7333, also apply to daily transportation.

B. The driver plus one staff are required at all times in each vehicle when transporting any child under five years of age. Child/staff ratio shall be met in the vehicle.

C. When only transporting children five years of age and older, at least two staff, one of whom may be the driver, shall be in each facility vehicle unless the following are met: facility vehicle's capacity is less than ten; five or fewer children are being transported; the vehicle has a communication device, and child/staff ratio is met in the vehicle.

D. When only transporting children five years of age and older, at least one staff in addition to the driver shall be in each contracted vehicle unless the following are met: vehicle's capacity is less than ten; five or fewer children are being transported; the vehicle has a communication device, and child/staff ratio is met in the vehicle.

E. Written authorization to transport the child signed and dated by the parent(s) shall include: name of child; type of service (to and from home, and to and from school to include the name of the school); names of individuals or school to whom the child may be released; and estimated duration of time spent on the vehicle per trip.

F. A current passenger log for each trip shall be used to track children and staff during transportation. The log shall be maintained on file at the facility and a copy shall be provided to the driver or attendant. The following shall be recorded on the log: the date the transportation is provided; the first and last name of the child; the first and last name of the driver/staff; pick up and drop off locations; authorized persons to whom the child may be released; the time the child was placed on the vehicle; the time the child was released and the name of the person or school to whom the child was released; and the signature of the staff that completed the log.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7336. Contract Requirements

A. All requirements for general transportation, Section 7333, also apply to contracted transportation.

B. The provider shall maintain a contract that is signed by the provider and a representative of the transportation agency outlining circumstances under which transportation will be provided. This written contract shall be dated, time limited, and shall specify the following in the contract: Transportation arrangements shall conform to state laws, including but not limited to those requiring the use of seat belts and child restraints. Additionally, no child under five years of age shall be transported in any vehicle, including a school bus, unless age and weight appropriate child restraints are utilized. 1. Only one child shall be restrained in a single safety belt. Each child shall safely board and/or leave the vehicle from the curb side of the street or shall be escorted across the street.

2. The vehicle shall be maintained in good repair as evidenced by: Ventilation and heating systems shall be operational and used to maintain a comfortable temperature during transport. The vehicle's engine shall be maintained in working mechanical order. The vehicle's interior shall be clean and free of trash and debris. The vehicle's seat coverings shall be in good repair.

3. The use or possession of alcohol, tobacco in any form, illegal substances or unauthorized potentially toxic substances, firearms (loaded or unloaded), or pellet or BB guns (loaded or unloaded) in any vehicle is prohibited. The number of persons in a vehicle used to transport children shall not exceed the manufacturer's recommended capacity. Current commercial liability insurance for the operation of the vehicle shall be required for children in the event of accident or injury. The vehicle shall have evidence of a current safety inspection. There shall be first aid supplies in each contracted vehicle.

C. The provider shall maintain a copy of a valid appropriate Louisiana driver's license for all contracted persons who drive vehicles used to transport children.

D. Documentation of a satisfactory criminal record check from Louisiana State Police as required by La. R.S. 46:51.2 is required for all contracted persons. A copy of this clearance shall be obtained prior to the individual being present with the children from the licensed program. No person who has been convicted of, or a plea of guilty or nolo contendere to, any offense included in 15:587.1, 14:2,

15:541 or any offense involving a juvenile victim, shall be present in any capacity with the children of the licensed facility.

1. Independent contractors may provide a certified copy of their criminal background check obtained from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police to the provider prior to being present with a child or children. If an individual provides a certified copy of their criminal background check obtained from the Louisiana State Police to the provider, this criminal background check shall be accepted by DCFS for a period of one year from the date of issuance of the certified copy. A photocopy of the certified copy shall be kept on file at the facility. Prior to the one year date of issuance of the certified copy, the individual shall request and obtain a current certified copy of their criminal background check obtained from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police in order to continue providing services for the child care facility. If the clearance is not provided to the facility prior to the one year date of issuance of the certified criminal background check, the individual shall no longer be allowed to provide services to the child care facility until a clearance is provided. This criminal background check shall be accepted by DCFS for a period of one year from the date of issuance of the certified copy. A photocopy of the certified copy shall be kept on file at the facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7337. Care for Children during Nighttime Hours

A. Staff counted for purposes of meeting child/staff ratio shall be awake and supervising the children at all times.

B. Meals shall be served to children who are in the facility at the ordinary meal times.

C. Each child shall have a separate, age-appropriate bed or cot with mat or mattress covered by a sheet for each child, as well as a covering for each child (bunk beds are not allowed).

D. Evening quiet time activity, such as story time, board games, and reading, shall be provided to each child arriving before the child goes to bed.

E. Time for personal care routines and preparation for sleep, such as brushing teeth, washing hands and face as needed, toileting, and changing clothes shall be provided.

F. The facility's entrance and drop off zones shall be well-lighted during hours of operation.

G. The provider shall conduct monthly fire drills during the night time hours in addition to the required daytime drills. When conducting this type of fire drill, it is not necessary to exit the building with the children. Documentation shall include: date and time of drill; number of children present; amount of time to evacuate the facility; and/or reach the exit; problems noted during drill and corrections noted; and signatures (not initials) of staff present. The Licensing Section recommends that at least one fire drill every six months be held during nighttime hours after children are sleeping.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

§7350. Disclosure of Information as Specified under R.S. 46:1426

A. Purpose; Authority. It is the intent of the Legislature to protect the health, safety, and well-being of children who are in out-of-home day care facilities. Toward that end, R.S. 46:1426 allows parents or guardians of children enrolled in, or who have made application to be enrolled in, a day care facility to obtain certain information pertaining to that particular day care facility in addition to information that may be obtained under the Public Records Act subject to the limitations provided by R.S. 46:56(F)(4)(c).

B. Procedure for Requesting Information

1. Requests for information may be made by a parent or guardian of a child either by telephone or in writing.

2. Upon receipt of a request that does not give assurance that the person making the request is a parent or guardian of a child that is currently attending or that has completed a current application to attend the day care facility in question, the Licensing Section shall furnish the parent or guardian a certification form that must be completed and signed that certifies that their child is currently attending or that a current application has been made for the child to attend the particular day care facility.

3. Upon receiving the needed information, or the certification form, the Licensing Section shall initiate a review of the records of that particular day care facility.

4. The Licensing Section shall provide or make available all information, if any, that is requested, subject to limitations as provided by law.

5. Failure of a parent or guardian to sign a certification form or provide compelling information that indicates their child is either currently attending or has made application to attend said day care facility will result in the request being handled as a request under the Public Records Act.

C. Information That May Be Released

1. Information that may be released under R.S. 46:1426 is as follows:

a. each valid finding of child abuse, neglect, or exploitation occurring at the facility, subject to the limitations provided by R.S. 46:56(F)(4)(c);

b. whether or not the day care facility employs any person who has been convicted of or pled guilty or nolo contendere to any of the crimes provided in R.S. 15:587.1;

c. any violations of standards, rules, or regulations applicable to such day care facility; and

d. any waivers of minimum standards authorized for such day care facility.

2. No information may be released that contains the name, or any other identifying information, of any child involved in any situation concerning the day care facility.

3. The identity of any possible perpetrator or of the party reporting any suspected abuse, neglect or exploitation shall not be disclosed except as required by law.

4. If there is no information in the files other than information covered under the Public Records Act, the parent or guardian shall be so notified and informed of the procedure for obtaining that information.

D. Costs. Parents or guardians wanting copies of records under R.S. 46:1426 shall be informed of the costs involved and pay for copies of said records, as is required for obtaining copies of records under the Public Records Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1426

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 37:

Family Impact Statement

1. What effect will this rule have on the stability of the family? There will be no effect on the stability of the family.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? This rule includes revised regulations that strengthen the measure of protection that the Licensing Section provides for children that receive out-of-home child care in accordance with R.S. 46:1401 et seq. This rule will establish revised regulations for child care providers to help protect the health, safety and welfare of children. Parents and/or guardians will also have access to these regulations. The regulations will provide knowledge that can enhance their ability to make informed decisions regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? There will be no effect on the functioning of the family.

4. What effect will this have on family earnings and family budget? There will be no effect on family earnings and the family budget.

5. What effect will this have on the behavior and personal responsibility of children? This Rule will have no effect on the behavior and personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed rule? No, this is strictly an agency function.

Small Business Statement

The impact of the proposed rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Public Comments

All interested persons may submit written comments through, March 28, 2011 to Sammy Guillory, Deputy Assistant Secretary, Department of Children and Family Services, Post Office Box 94065, Baton Rouge, LA, 70804-9065.

Public Hearing

A public hearing on the proposed rule will be held on, March 28, 2011 at the Department of Children and Family Services, Iberville Building, 627 N. Fourth Street, Seminar Room 1-129, Baton Rouge, LA, beginning at 9:00 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said

hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call 225-342-4120 (Voice and TDD).

Ruth Johnson
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Class "A" Regulations**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

This rule proposes to amend the Louisiana Administrative Code (LAC) 67, Part III, Subpart 21 Child Care Licensing, Chapter 73 Day Care Centers, Subchapter A. Licensing Class "A" Regulations for Child Care Centers. These standards are being revised in their entirety to supersede any previous regulations published as mandated by R.S. 46:1401 et seq. which states that periodically the department must publish the current regulations or standards for Licensing Class "A" Regulations for Child Care Centers.

DCFS shall mail a notice to approximately 1,900 child day care centers to notify the providers that the information is posted on the DCFS Web site at an estimated cost of \$1,214 (\$607 State; \$607 Federal), which includes printing (\$171), supplies (\$131), and postage (\$912). This cost will be absorbed within the Department of Children and Family Services (DCFS) FY 2010-11 budget appropriation.

The only additional cost associated with this rule is the cost for publishing rulemaking and printing policy, which is estimated to be approximately \$7,224 (\$3,612 State; \$3,612 Federal). This is a one-time cost that is routinely included in the agency's budget.

The total cost to implement these rule changes for FY 11 is \$8,438 (\$4,219 SGF; \$4,219 Federal). It is estimated that any potential cost in subsequent fiscal years are routinely included in the agency's budget.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on the revenue collections on any governmental unit as a result of this Rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

This Rule will not cause any additional estimated costs and/or economic benefits to any persons or non-governmental group.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

This Rule will not cause any impact on competition and employment.

Sammy Guillory
Deputy Assistant Secretary
1102#073

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School,
District, and State Accountability System
(LAC 28:LXXXIII.1101, 1102, 1103, and 1601)

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 111—The Louisiana School, District, and State Accountability System*: §1101. Letter Grades, §1102. Academic Watch and Academically Unacceptable Schools (AUS), §1103. Honor Rolls, and §1601. Entry into Academically Unacceptable School Status. Act 478 of the 1997 Regular Legislative Session called for the development of an Accountability System for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components that are required to change in response to state and federal laws and regulations. Proposed changes in Bulletin 111, Chapters 11 and 16, provide detail for a letter grade system in all schools to accurately reflect both the status and progress of students and will replace performance labels currently in Bulletin 111.

Title 28

EDUCATION

**Part LXXXIII. Bulletin 111—The Louisiana School,
District, and State Accountability System**

Chapter 11. School Performance Categories

§1101. Letter Grades

A. Beginning with the release of 2010-2011 school accountability data, schools will receive letter grades based on the Baseline School Performance Score (SPS) and Growth Targets.

Letter Grade	Baseline SPS Range	Approximate Percentage of Students Basic or Below	Plus or Minus	Rule for Grade Assignment
A	120.0-200.0	0%-12%	A+	In SPS range for letter grade A and met or exceeded Growth Target
			A	In SPS range for letter grade A and did not meet Growth Target and did not decline
			A-	In SPS range for letter grade A and SPS declined
B	105.0-119.9	12%-24%	B+	In SPS range for letter grade B and met or exceeded Growth Target
			B	In SPS range for letter grade B and did not meet Growth Target and did not decline
			B-	In SPS range for letter grade B and SPS declined
C	90.0-104.9	25%-36%	C+	In SPS range for letter grade C and met or exceeded Growth Target
			C	In SPS range for letter grade C and did not meet Growth Target and did not decline