



State of Louisiana
Department of Social Services
Office of the Secretary

November 11, 2009

Dear Child Care Provider,

In September 2009, the Department of Social Services (DSS) announced steps to reform Child Care Licensing. As part of this process, the Child Care Licensing and Regulatory Section will be assessing child care centers throughout the state over the next year, as well as restructuring the Division of Child Care Licensing. We believe that uniformity for our providers and better defined procedures for our licensing staff will enhance our continued efforts to promote the health and safety of the children that we all serve. Our goal is to communicate with you and provide support to you regarding how decisions are made within Child care Licensing.

In order to achieve more effective and consistent enforcement decisions and actions, we are implementing a new system for evaluating non-compliance in a more quantitative and qualitative manner. As part of this process, we will be reviewing and charting the history of compliance for each licensed center based on new criteria. Serious, Numerous, and Repeated non-compliance will be assessed and identified in the new framework as defined below. The framework is a guide to assessing centers as there is no substitute for expertise in the regulatory process through licensing administrative review process. The process allows for flexibility in decision making and is a tool as DSS reserves the right to revoke a license based on a one-time serious incident.

SERIOUS Non-Compliance Deficiencies

"Serious" non-compliance is evidenced by a Class A or B facility's non-compliance with a licensing requirement that exposes children to conditions that present or have the potential of presenting an imminent risk of harm or actual harm to children, depending on severity. Serious areas of non compliance include, but not limited to deficiencies in the following areas:

- Child/staff ratio
- Supervision
- Overcapacity
- Prohibited disciplinary actions
- Use of passenger restraints
- Hazards
- Reporting child abuse
- Criminal background clearance
- Administering medication to children without authorization or training
- CPR/PFA
- Insurance
- Fraud/falsifying documents
- Any validated instance of corporal punishment, physical punishment, cruel, severe, or unusual punishment, physical or sexual abuse and/or neglect if the owner is responsible or if the employee who is responsible remains in the employment of the provider;
- Any activity that otherwise places the health, safety or morals of children at risk, whether on premises, property or vehicle

NUMEROUS Non-Compliance Deficiencies

"Numerous" non-compliance is evidenced by a facility's documented non-compliance with licensing requirements in any one licensure visit.

REPEATED Non-Compliance

"Repeated" non-compliance is documentation of non-compliance with the same licensing requirement.

All licensed centers will be reviewed within the next year based on the above described framework. Future adverse actions taken by the agency will be decided based on these new criteria. Non-compliance threatening the health and safety may result immediate revocation.

Please be reminded that in early September 2009, DSS issued an emergency rule that disqualifies any child care provider from reapplying for a new license for a period of two (2) years if a facility's licensure application is denied or if the facility's license is revoked, not renewed, or voluntarily surrendered to avoid adverse action due to the provider's failure to comply with state statutes and licensing rules.

The health and safety of the children placed in out-of-home care is of paramount concern to the Department of Social Services, Child Care Licensing and Regulatory Section. Licensing specialists are available to assist you in identifying strategies to improve compliance with the requirements. Please contact the OFS Child Care Licensing and Regulatory Section with any questions at 225-342-9905 or by email to ChildCare@dss.state.la.us.

For information on DSS' reform efforts in the advancement of child care licensing and quality child care for children, visit www.dss.louisiana.gov/childcareupdate.

Sincerely,

Angie Badeaux
Director
OFS Child Care Licensing & Regulatory Section