

**NOTICE OF INTENT**

**Department of Children and Family Services**

**Division of Programs  
Licensing Section**

**Licensing Class "A" and "B" Regulations for Child Care Centers**

**(LAC 67:III.7302, 7317, 7355, and 7372)**

The Department of Children and Family Services (DCFS), Division of Programs, Licensing Section in accordance with provisions of the Administrative Procedure Act, R.S. 49:953(A) proposes to amend LAC 67:III, Subpart 21, Child Care Licensing, Chapter 73, Sections 7302, 7317, 7355, and 7372.

The Department finds it necessary to adopt this rule to correct the unintended consequences on the child care industry that may have resulted from the inadvertent change to the naptime supervision requirements and the implementation of a retroactive timeframe for which a fine may be imposed.

This action was made effective by an Emergency Rule dated and effective March 12, 2014.

**Title 67**

**SOCIAL SERVICES**

**Part III. Economic Stability**

**Subpart 21. Child Care Licensing**

**Chapter 73. Day Care Centers**

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

**§7302. Authority**

A. - I.2. ...

3. In assessing a fine, any violation of one or more of the above categories which occur during any 24 month period after the adoption of this Section shall be counted in determining whether multiple violations have occurred. For purposes of establishing a history of non-compliance, any

violation of one or more of the above categories which occur during any 24 month period shall be counted in determining whether multiple violations have occurred. ~~In determining whether multiple violations of one of the above categories has occurred, both for purposes of this section and for purposes of establishing a history of non-compliance, all such violations cited during any 24 month period shall be counted, even if one or more of the violations occurred prior to the adoption of the current set of standards. If one or more of the violations occurred prior to adoption of the current set of standards, a violation is deemed to have been repeated if the regulation previously violated is substantially similar to the present rule.~~

I.4.a. - J.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1107 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2755 (December 2007), amended LR 36:332 (February 2010), LR 36:847 (April 2010), amended by the Department of Children and Family Services, Division of Programs, LR 37:811 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:66 (January 2013), LR 40:243 (February 2014), effective March 1, 2014, LR 40:

**§7317. Supervision**

A. - D. ...

E. Children ages ~~two~~ one 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. - H. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1116 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2764 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:252 (February 2014), effective March 1, 2014, LR 40:

**Subchapter B. Licensing Class "B" Regulations for Child Care Centers**

**§7355. Authority**

A. - I.2. ...

3. In assessing a fine, any violation of one or more of the above categories which occur during any 24 month period after the adoption of this Section shall be counted in determining whether multiple violations have occurred. For purposes of establishing a history of non-compliance, any violation of one or more of the above categories which occur during any 24 month period shall be counted in determining whether multiple violations have occurred. In determining

~~whether multiple violations of one of the above categories has occurred, both for purposes of this section and for purposes of establishing a history of non-compliance, all such violations cited during any 24 month period shall be counted, even if one or more of the violations occurred prior to the adoption of the current set of standards. If one or more of the violations occurred prior to adoption of the current set of standards, a violation is deemed to have been repeated if the regulation previously violated is substantially similar to the present rule.~~

I.4.a - J.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1635 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2770 (December 2007), amended LR 36:333 (February 2010), LR 36:849 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:66 (January 2013), LR 40:254 (February 2014), effective March 1, 2014, LR 40:

**§7372. Supervision**

A. - D ...

E. Children ages ~~two~~ one 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. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1430 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:263 (February 2014), effective March 1, 2014, LR 40:

### **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 is to correct the unintended consequences on the child care industry that may have resulted from the inadvertent change to the naptime supervision requirements and the implementation of the retroactive timeframe for which a fine may be imposed.
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.

### **Poverty Impact Statement**

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

### **Provider Impact Statement**

1. There is no effect on the staffing level requirements or qualifications to provide the same level of service.
2. There is no direct cost to the provider for providing the same level of service. If the provider does not provide the level of service as required by regulations, then a fine may be assessed in accordance with R.S. 46:1430.
3. There is no overall effect on the provider to provide the same level of service.

### **Small Business Impact Statement**

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

### **Public Comments**

All interested persons may submit written comments through July 28, 2014, to Lisa Andry, Deputy Assistant Secretary, Department of Children and Family Services, P. O. Box 94065, Baton Rouge, LA, 70804-9065.

### **Public Hearing**

A public hearing on the proposed rule will be held on July 28, 2014 at the Department of Children and Family Services, Iberville Building, 627 N. Fourth Street, Seminar Room 1-127, Baton Rouge, LA beginning at 9 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).

Suzy Sonnier  
Secretary