

**NOTICE OF INTENT**

**Department of Children and Family Services**

**Division of Programs**

**Licensing Section**

***Child Day Care Regulation Repeal***

**(LAC 67:III 7301-7399)**

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953 (A), the Department of Children and Family Services (DCFS) proposes to repeal the Louisiana Administrative Code, Title 67, Part III, Subpart 21, Chapter 73, Sections 7301-7399.

The proposed rule will repeal the child day care regulations under the Department of Children and Family Services due to the transfer of authority to The Louisiana Department of Education.

Pursuant to R.S. 17:407.32, the authority to license child care centers transferred from the Department of Children and Family Services to the Department of Education, effective October 1, 2014. Additionally, pursuant to R.S. 17:407.38, until such time as rules were promulgated by the Board of Elementary and Secondary Education to implement Type I, Type II, and Type III child day care center licenses, child care centers were to continue to follow the rules promulgated by DCFS for the licensure of Class A and Class B child care centers. The Board of Elementary and Secondary Education promulgated such rules effective July 1, 2015; therefore the rules previously referenced in sections 7301 - 7399 are hereby repealed.

**Title 67**

**SOCIAL SERVICES**

**Part III. Office of Family Support**

**Subpart 21. Child Care Licensing**

**Chapter 73. Day Care Centers**

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

~~NOTE: Pursuant to Act 868 of the 2014 Regular Session of the Louisiana Legislature, specifically R.S. 17:407.32, the authority to license child care centers transfers from the Department of Children and Family Services to the Department of Education, effective October 1, 2014. Additionally, pursuant to R.S. 17:407.38 of Act 868, until such time as rules are promulgated by the Board of Elementary and Secondary Education to implement the new Type I, Type II and Type III child day care center licenses, child care centers shall continue to follow the rules promulgated by DCFS for the licensure of Class A and Class B 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 placement agencies 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 the Department of Social Services 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 clients and residents are not violated.~~

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), repealed LR 42:

**§7302. Authority**

~~A. Legislative 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 centers. The licensing authority of the Department of Children and Family Services is established by R.S. 46:1401 et seq., making mandatory the licensing of all child care facilities and child placing agencies, including child care centers. R.S. 46:1403 defines a child day 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 1/2 hours in a continuous 7 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.~~

~~2. In accordance with Act 429 and Act 569 of the 2010 Legislative Session, a recognized religious organization which is qualified as a tax-exempt organization under section 501(c) of the Internal Revenue Code, which remains open for not more than 24 hours in a continuous 7-day week, and in which no individual child remains for more than 24 hours in one continuous stay shall not be considered a "day care center" for the purposes of this Chapter. In addition, there shall be a moratorium on the enforcement of any rule and regulation by the Department of Children and Family Services upon a child care facility, operated by a religious, nonprofit organization which is exempt from federal income taxes pursuant to 26 U.S.C. 501(c)(3), and which was not licensed as either a Class A or Class B facility on June 1, 2010, and provides childcare for not less than 25 hours and not more than 40 hours in a continuous 7-day week. This moratorium shall terminate and cease to be effective upon July 1, 2011.~~

~~B. Penalties~~

~~1. All child care facilities, including facilities owned or operated by any governmental, profit, nonprofit, private, or church agency shall be licensed.~~

~~2. As mandated by R.S. 46:1421, whoever operates any child care facility or child-placing agency as defined in R.S. 46:1403, including any child day care center, without a valid license issued by the department shall be fined not less than \$1,000 per day for each day of such offense.~~

~~C. Inspections~~

~~1. According to law, it shall be the duty of the Department of Social Services, through its duly authorized agents, to inspect at regular intervals not to exceed one year or as deemed necessary by the department and without previous~~

~~notice all child care facilities and child placing agencies subject to the provisions of the Chapter (R.S. 46:1401 et seq.).~~

~~2. Whenever the department is advised or has reason to believe that any person, agency or organization is operating a non-exempt child care facility without a license, the department shall make an investigation to ascertain the facts.~~

~~3. Whenever the department is advised or has reason to believe that any person, agency or organization is operating in violation of the Child Care Center Class A Minimum Standards, the department shall complete a complaint investigation. All reports of mistreatment of children coming to the attention of the Department of Social Services will be investigated.~~

~~D. The Louisiana Advisory Council on Child Care and Early Education~~

~~1. The Louisiana Advisory Council on Child Care and Early Education is hereby created in accordance with R.S. 46:1414, as amended by Acts 2009, No. 194, to provide input and guidance to the Department of Social Services on matters pertaining to rules, regulations and standards for licensure of Class A and Class B day care centers as defined in R.S. 46:1403(A)(4).~~

~~2. The council shall be composed of 12 voting members, appointed by the Secretary of the Department of Social Services and 9 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:~~

- ~~i. the Louisiana Head Start Association;~~
- ~~ii. the Louisiana Partnership for Children and Families;~~
- ~~iii. the Louisiana Association for the Education of Young Children;~~
- ~~iv. the Child Care Association of Louisiana; and~~
- ~~v. 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:~~

- ~~i. the Department of Education Pre-Kindergarten Program;~~
- ~~ii. the Department of Education Child and Adult Care Food Program;~~
- ~~iii. the Louisiana Office of State Fire Marshal;~~
- ~~iv. the Department of Health and Hospitals Office of Sanitarian Services;~~
- ~~v. the Louisiana Workforce Commission;~~
- ~~vi. the Louisiana State Police Bureau of Criminal Identification; and~~
- ~~vii. three representatives from the Department of Social Services.~~

~~3. Members will 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 over 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 twenty-four 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 chair, vice chair 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.~~

~~E.— Waivers. The Secretary of the Department of Social Services, in specific instances, 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. If it is determined that the facility or agency is meeting or exceeding the intent of a standard or regulation, the standard or regulation may be deemed to be met.~~

~~F. The following is a listing of individuals by organizational type who are considered owners for licensing purposes.~~

~~1. Individual Ownership individual and spouse.~~

~~2. Partnership all limited or general partners and managers, including but not limited to, all persons registered as limited or general partners with the Secretary of State's Corporations Division.~~

~~3. Head Start individual responsible for supervising facility directors.~~

~~4. Church Owned, Governmental Entity, or University Owned any clergy and/or board member that is present in the child care facility during the hours of operation or when children are present. Clergy and/or board members not present in the child care facility shall provide an annual statement attesting to such.~~

~~5. Corporation (includes limited liability companies) any person who has 25 percent or greater share in the ownership or management of the business or who has less than a 25 percent share in the ownership or management of the business and meets one or more of the criteria listed below. If a person has less than a 25 percent share in the ownership or management of the business and does not meet one or more of the criteria listed below, a signed, notarized attestation form shall be submitted in lieu of providing a criminal background clearance. This attestation form is a signed statement which shall be updated annually from each owner acknowledging that he/she has less than a 25 percent share in the ownership or management of the business and that he/she does not meet one or more of the criteria below:~~

~~a. has unsupervised access to the children in care at the child care facility;~~

~~b. is present in the child care facility during hours of operation;~~

~~c. makes decisions regarding the day-to-day operations of the child care facility;~~

~~d. hires and/or fires child care staff including the director/director designee; and/or~~

~~e. oversees child care staff and/or conducts personnel evaluations of the child care staff.~~

~~G. All owners of a child day care facility shall provide documentation of a fingerprint based satisfactory criminal record check (CBC) from Louisiana State Police as required by R.S. 46:51.2., R.S. 15:587.1, and R.S. 1491.3. A copy of the criminal background check shall be submitted for each owner of a child care facility with an initial application, a change of ownership application, a change of location application, and/or an application for renewal of a child day care license. No person with a criminal conviction or plea of guilty or nolo contendere to any offense included in R.S. 15:587.1, shall directly or indirectly own, operate, and/or participate in the governance of a child care facility. In addition, neither an owner, nor a director, nor a director designee shall have a conviction of a felony conviction of, plea of guilty, or nolo contendere to any of the following crimes of fraud: 18 U.S.C. 287, 18 U.S.C. 134, R.S. 14:67.11, R.S. 14:68.2, R.S. 14:70, R.S. 14:70.1, R.S. 14:70.4, R.S. 14:70.5, R.S. 14:70.7, R.S. 14:70.8, R.S. 14:71, R.S. 14:71.1, R.S. 14:71.3, R.S. 14:72, R.S. 14:72.1, R.S. 14:72.1.1, R.S. 14:72.4, R.S. 14:72.5, R.S. 14:73.5, and R.S. 14:133.~~

~~1. An owner 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 Licensing. If an owner provides a certified copy of their criminal background check obtained from the Louisiana State Police, this criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. An original certified copy or a photocopy of the certified copy shall be kept on file at the facility in which the individual currently owns/operates. However, prior to the one year expiration of the certified criminal background check, a new fingerprint based satisfactory criminal background check shall be obtained from Louisiana State Police in order for the individual to continue to be eligible to own or operate the child care facility. If the clearance is not obtained prior to the one year expiration of the certified criminal background check, the owner is no longer eligible to own or operate the child care facility.~~

~~2. New members/owners added to a partnership, church, corporation, limited liability corporation or governmental entity where such change does not constitute a change of ownership for licensing purposes shall provide documentation of a satisfactory criminal record check by Louisiana State Police obtained in the same manner as those required by R.S. 46:51.2 and R.S. 15:587.1. No person with a criminal conviction or plea of guilty or nolo contendere to any offense included in R.S. 15:587.1, shall directly or indirectly own, operate or participate in the governance of a child care facility.~~

~~3. Every owner shall submit the criminal background check with the initial application or, in the case of an existing facility, with the application for renewal of the license. The criminal background check shall indicate that he or she has not been convicted of or pled guilty or nolo contendere~~

~~to any offense enumerated in R.S. 15:587.1. If the criminal background check shows that any owner has been convicted of or pled guilty or nolo contendere of any enumerated offense under R.S. 15:587.1, the owner or director shall submit the information to the Licensing Section management staff within 24 hours or no later than the next business day, whichever is sooner, upon receipt of the result.~~

~~H. All owners shall complete, sign, and date the state central registry disclosure form (SCR 1) as required by R.S. 46:1414.1. This information shall be reported prior to the owner being on the premises of the child care facility, shall be updated annually at the time of licensure renewal, at any time upon the request of DCFS, and within 24 hours or no longer than the next business day, whichever is shorter, of any owner receiving notice of a justified (valid) finding of child abuse and/or neglect against them. If information is known to 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 and/or neglect of a child, the individual shall have a determination by the Risk Evaluation Panel or a ruling by the Division of Administrative Law (DAL) that the individual does not pose a risk to children in order to continue to own or operate a licensed child care facility.~~

~~1. Within 24 hours or no later than the next business day, whichever is shorter, of current owners receiving notice of a justified (valid) finding of child abuse and/or neglect against them, an updated state central registry disclosure form (SCR 1) shall be completed by the owner and submitted to Licensing Section management staff as required by R.S. 46:1414.1. The owner shall request a risk evaluation assessment in accordance with LAC 67:I.305 within 10 calendar days from completion of the state central registry disclosure~~

~~form or the license shall be revoked. Immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the owner, at any and all times when he/she is in the presence of a child or children, shall be directly supervised by a paid staff (employee) of the facility. The employee responsible for supervising the owner shall have on file a completed state central registry disclosure form indicating that the employee's name does not appear on the state central registry with a justified (valid) finding of abuse and/or neglect. Under no circumstances may an owner with a justified finding be left alone and unsupervised with a child or children pending the disposition of the Risk Evaluation Panel or the DAL determination that the owner does not pose a risk to any child and/or children in care. An owner supervised by an employee who does not have a satisfactory disclosure form on file as provided in this sub-section shall be deemed to be alone and unsupervised.~~

~~a. Any owner with a justified (valid) finding of abuse and/or neglect on the state central registry must submit, together with the SCR-1 required above either:~~

~~i. a written, signed, and dated statement to Licensing Section management staff acknowledging that they are aware of the supervision requirements and understand that under no circumstances are they to be left alone and unsupervised with a child or children and that they shall be directly supervised by a paid staff (employee) of the facility. The employee responsible for supervising the owner shall have on file a completed state central registry disclosure form indicating that the employee's name does not appear on the state central registry with a justified (valid) finding of abuse and/or neglect; or~~

~~ii. a written, signed, and dated statement to Licensing Section management staff that he/she will not be on the premises of the facility at any time when a child is present nor during the facility's hours of operation.~~

~~b. If the Risk Evaluation Panel determines that the owner poses a risk to children and the individual does not appeal the determination within the required timeframe, the owner shall no longer be eligible to own or operate a child care facility.~~

~~e. If the Risk Evaluation Panel determines that the owner poses a risk to children and the individual appeals the determination to the DAL within the required timeframe, the owner shall continue to be under direct supervision when in the presence of a child or children on the child care premises. Supervision must continue until receipt of a ruling from the DAL that the owner does not pose a risk to children.~~

~~d. If the DAL upholds the Risk Evaluation Panel's determination that the owner poses a risk to children, the owner shall no longer be eligible to own or operate a child care facility.~~

~~2. Prospective owners shall complete, sign, and date the state central registry disclosure form and submit the disclosure form at the time of application to the DCFS Licensing Section. If a prospective owner discloses that his or her name is currently recorded as a perpetrator on the state central registry, the application shall be denied unless the owner requests a risk evaluation assessment on the state central registry risk evaluation request form (SCR 2) within the required timeframe. DCFS will resume the licensure process when the owner provides the written determination by the Risk Evaluation Panel or the DAL that they do not pose a risk to children.~~

~~a. If the Risk Evaluation Panel determines that the prospective owner poses a risk to children and the individual does not appeal the determination within the required timeframe, the prospective owner shall withdraw the application within 14 calendar days of the mailing of the DAL decision or the application shall be denied.~~

~~b. If the Risk Evaluation Panel determines that the prospective owner poses a risk to children and the individual appeals the determination to the DAL within the required timeframe, the department shall not proceed with the licensure process until a ruling is made by the DAL that the owner does not pose a risk to children. In addition, if the owner/operator is operating legally with six or less children as defined in R.S. 46:1403, the owner shall submit:~~

~~i. a written, signed, and dated statement to Licensing Section management staff acknowledging that they are aware of the supervision requirements and understand that under no circumstances are they to be left alone and unsupervised with a child or children and that they shall be directly supervised by a paid staff (employee) of the facility. The employee responsible for supervising the owner shall have on file a completed state central registry disclosure form indicating that the employee's name does not appear on the state central registry with a justified (valid) finding of abuse and/or neglect; or~~

~~ii. a written, signed, and dated statement to Licensing Section management staff that he/she will not be on the premises of the facility at any time when a child is present nor during the facility's hours of operation; or~~

~~iii. If the owner/operator is not providing care for any children, a written, signed dated statement to Licensing Section management staff shall note that the~~

~~owner/operator is not caring for any children and will not care for children prior to receiving a license.~~

~~e. If the DAL upholds the Risk Evaluation Panel determination that the prospective owner poses a risk to children, the prospective owner shall withdraw the application within 14 calendar days of the mailing of the DAL decision or the application shall be denied.~~

~~3. State central registry disclosure forms, documentation of any disposition of the Risk Evaluation Panel and, when applicable, the DAL 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.~~

~~4. Any information received or knowledge acquired that a current or prospective owner and/or operator has falsified a state central registry disclosure form stating that they are not currently recorded as a perpetrator with a justified (valid) finding of abuse or neglect shall be reported in writing to 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 DAL 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/or neglect.~~

~~I. Critical Violations/Fines~~

~~1. In accordance with R.S. 46:1430, when a provider is cited for violations in the following areas, the Department (DCFS) may at its discretion elect to impose sanctions, revoke a license, or both:~~

~~a. §7302.G and/or §7311.A.5 and/or §7311.B criminal background check;~~

~~b. §7302.H and/or §7311.A.6 state central registry disclosure;~~

~~c. §7303.F.1 and/or §7303.F.5 critical incidents;~~

~~d. §7315.A D ratio;~~

~~e. §7317 supervision; and/or~~

~~f. §7331.N motor vehicle.~~

~~2. The option of imposing other sanctions does not impair the right of DCFS to revoke and/or not renew a provider's license to operate if it determines that the violation poses an imminent threat to the health, safety, rights, or welfare of a child or children. Only when the department finds that the violation does not pose an imminent threat to the health, safety, rights, or welfare of a child or children will the department consider sanctions in lieu of revocation or non-renewal; however, the absence of such an imminent threat does not preclude the possibility of revocation or non-renewal in addition to sanctions, including fines.~~

~~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.~~

~~4.a. For the first violation of one of the aforementioned categories, if the department does not revoke or not renew the license, the department may issue a formal warning~~

~~letter noting the department's intent to take administrative action if further violations of the same category occur.~~

~~b. The warning letter shall include a directed corrective action plan (CAP) which shall outline the necessary action and timeframe for such action that a provider shall take in order to maintain compliance with the licensing regulations. The provider shall acknowledge receipt of the warning letter by submitting a written response to the CAP within 14 calendar days of receipt of the letter. Failure by the provider to submit requested information and/or failure to implement the CAP as evidenced by a repeated violation of the same category of the regulations may result in either the assessment of a civil fine, revocation/non renewal of license, or both.~~

~~5. For the second violation of one of the same aforementioned categories within a 24 month period, provider will be assessed a civil fine of up to \$250 per day for violation of each of the aforementioned categories (if same category cited twice) and fined for each day the provider was determined to be out of compliance with one of the aforementioned categories according to the following schedule of fines:~~

~~a. The base fine level for all violations shall be \$200 per day. From the base fine level, factor in any applicable upward or downward adjustments, even if the adjustment causes the total to exceed \$250. If the total fine after all upward and downward adjustments exceeds \$250, reduce the fine for the violation to \$250 as prescribed by law.~~

~~i. If the violation resulted in death or serious physical or emotional harm to a child, or placed a child at risk of death or serious physical or emotional harm, increase the fine by \$50.~~

~~ii. If a critical violation for child/staff ratio is cited and provider was found to have three or more children above the required ratio, increase the fine by \$50.~~

~~iii. If a critical violation for child/staff ratio is cited for failure to have a minimum of two staff present, increase the fine by \$50.~~

~~iv. If the provider had a previous license revoked for the same critical violation cited, increase the fine by \$25.~~

~~v. If a critical violation for supervision was cited due to a child being left alone outdoors, increase the fine by \$25.~~

~~vi. If the age of the child cited in the child/staff ratio critical violation is four years of age or younger, increase the fine by \$25.~~

~~vii. If the age of the child cited in the supervision critical violation is four years of age or younger, increase the fine by \$25.~~

~~viii. If the critical violation was cited and occurred despite the objective good faith best efforts of licensee to comply, decrease the fine by \$25.~~

~~ix. If a critical violation was cited for the provider's incomplete documentation of the motor vehicle check, decrease the fine by \$25.~~

~~x. If the cited critical violation was for annual state central registry disclosure forms, decrease the fine by \$25.~~

~~xi. If the provider self reported the incident which caused the critical violation to be cited, decrease the fine by \$25.~~

~~6. For the third violation of one of the same aforementioned categories within a 24-month period, the provider's license may be revoked.~~

~~7. The aggregate fines assessed for violations determined in any consecutive 12-month period shall not exceed \$2,000. If a critical violation in a different category is noted by DCFS that warrants a fine and the provider has already reached the maximum allowable fine amount that could be assessed by the department in any consecutive twelve month period as defined by the law and the department does not revoke or not renew the license, the department may issue a formal warning letter noting the department's intent to take administrative action if further violations of the same category occur within the 12-month period. The warning letter shall include a directed CAP which shall outline the necessary action and timeframe for such action that a provider shall take in order to maintain compliance with the licensing regulations. The Provider shall acknowledge receipt of the warning letter by submitting a written response to the CAP within 14 calendar days of receipt of the letter. Failure by the provider to submit requested information and/or failure to implement the CAP as evidenced by a repeated violation of the same category of the regulations may result in revocation/non-renewal of license.~~

~~J. Departmental Reconsideration and Appeal Procedure for Fines~~

~~1. When a fine is imposed under these regulations, the department shall notify the director or owner by letter that a fine has been assessed due to deficiencies cited at the facility and the right of departmental reconsideration. The notification may be sent by certified mail or hand delivered to the facility. If the director or owner is not present at the facility, delivery of the written reason(s) 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. The letter shall specify the dates and the violation cited for which the fine(s) shall be imposed. Fines are due within 30 calendar days from the date of receipt of the letter unless the provider request a reconsideration of the fine assessment. The provider may request reconsideration of the assessment by asking DCFS for such reconsideration in writing within 10 calendar days from the date of receipt of the letter. A request for reconsideration shall include a copy of the letter from the Licensing Section that notes the reasons for assessment of the fine together with the specific reasons the provider believes assessment of the fine to be unwarranted and shall be mailed to Department of Children and Family Services, Licensing Section, P.O. Box 260035 Baton Rouge, LA 70826. If the provider withdraws the request for reconsideration, the fine is payable within 7 calendar days of the withdrawal or on the original date that the fine was due, whichever is later.~~

~~2. The department shall advise the director or owner by letter of the decision of DCFS after reconsideration and the right to appeal. The notification may be sent by certified mail or hand delivered to the facility. If the director or owner is not present at the facility, delivery of the written decision may be made to any staff of the facility. Notice to a staff shall constitute notice to the facility of such action.~~

~~a. If DCFS finds that the Licensing Section's assessment of the fine is justified, the provider shall have 15 calendar days from the receipt of the reconsideration letter to appeal the decision to the DAL. A request for appeal shall include a copy of the letter from the Licensing Section that notes the reasons for assessment of the fine and a copy of the reconsideration decision 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, Appeals Section, P.O. Box 2944, Baton Rouge, LA 70821-9118.~~

~~b. The DCFS Appeals Section shall notify the DAL of receipt of an appeal request. Division of Administrative Law shall conduct a hearing in accordance with the Administrative Procedure Act within 30 days of the receipt thereof, and shall render a decision not later than 60 days from the date of the hearing. The appellant will be notified by letter from DAL of the decision, either affirming or reversing the department's decision.~~

~~e. If the provider has filed a timely appeal and the department's assessment of fines is affirmed by an administrative law judge of the DAL, the fine shall be due within 30 calendar days after mailing notice of the final ruling of the administrative law judge or, if a rehearing is requested, within 30 calendar days after the rehearing decision is rendered. The provider shall have the right to seek judicial review of any final ruling of the administrative law judge as provided in the Administrative Procedure Act. If the appeal is dismissed or withdrawn, the fines shall be due and payable within 7 calendar days of the dismissal or withdrawal. If a judicial review is denied or dismissed, either in district court or by a court of appeal, the fines shall be due and payable within 7 calendar days after the provider's suspensive appeal rights have been exhausted.~~

~~3. If the provider does not appeal within 15 calendar days of receipt of the department's reconsideration decision, the fine is due within 30 calendar days of receipt of the department's reconsideration decision and shall be mailed to~~

~~Department of Children and Family Services, Licensing Section,  
P.O. Box 260035 Baton Rouge, LA 70826. If the provider files a  
timely appeal, the fines shall be due and payable on the date  
set forth in §7302.J.2.c. If the provider withdraws the appeal,  
the fine is payable within 7 calendar days of the withdrawal or  
on the original date that the fine was due, whichever is later.~~

~~4. If the provider does not pay the fine within the  
specified timeframe, the license shall be immediately revoked  
and the department shall pursue civil court action to collect  
the fines, together with all costs of bringing such action,  
including travel expenses and reasonable attorney fees. Interest  
shall begin to accrue at the current judicial rate on the day  
following the date on which the fines become due and payable.~~

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  
40:1674 (September 2014), repealed LR 42:

**§7303. Procedures**

~~A. Application~~

~~1. Anyone applying for a license after the effective date of these standards shall meet all of the requirements herein.~~

~~2. Before beginning operation, it is mandatory to obtain a license from the Department of Social Services, Bureau of Licensing. To do so, the following steps should be followed.~~

~~a. Prior to purchasing, leasing, etc., carefully check all local zoning and building ordinances in the area where the facility is to be located. Standards from Office of Public Health, Sanitarian Services; Office of the State Fire Marshal, Code Enforcement and Building Safety; and city fire department (if applicable) should be obtained.~~

~~b. After securing building, obtain an application form issued by:~~

~~Department of Social Services~~

~~Bureau of Licensing~~

~~P.O. Box 3078~~

~~Baton Rouge, LA 70821-3078~~

~~Phone: (225) 922-0015~~

~~Fax: (225) 922-0014~~

~~Web address: [www.dss.state.la.us/offfos/html/licensing.html](http://www.dss.state.la.us/offfos/html/licensing.html)~~

~~e. The completed application shall indicate Class "A" license. Anyone applying for State or Federal funding shall apply for Class "A" license. Licensure fees are required to be paid by all providers. A Class "A" license may not be changed to a Class "B" license if revocation procedures are pending.~~

~~d. After the center's location has been established, complete and return the application form. It is necessary to contact the following offices prior to building or renovating a center:~~

~~i. Office of Public Health, Sanitarian Services;~~

~~ii. Office of the State Fire Marshal, Code Enforcement and Building Safety;~~

~~iii. office of city fire department (if applicable);~~

~~iv. zoning department (if applicable); and~~

~~v. city or parish building permit office.~~

~~e. After the application has been received by the Bureau of Licensing, the bureau will request the Office of State Fire Marshal, office of city fire department (if applicable), Office of Public Health and any known required local agencies to make an inspection of the location, as per their standards. However, it is the applicant's responsibility to obtain these inspections and approvals.~~

~~f. A licensing specialist will visit the center to conduct a licensing survey.~~

~~g. A license will be issued on an initial application when the following items have been met and written verification is received by the Bureau of Licensing:~~

~~i. state fire approval;~~

~~ii. city fire approval (if applicable);~~

~~iii. health approval;~~

~~iv. zoning approval (if applicable);~~

~~v. full licensure fee paid;~~

~~vi. director meets qualifications;~~

~~vii. director designee meets qualifications (if applicable);~~

~~viii. three current, positive, signed references on director;~~

~~ix. three current, positive, signed references on director designee (if applicable);~~

~~x. licensure survey verifying compliance with all minimum standards;~~

~~xi. documentation of a satisfactory criminal record clearance for all staff including all owners and operators; and~~

~~xii. documentation of completed state central registry disclosure forms noting no justified (valid) finding of abuse and/or neglect for all staff or documentation from the Risk Assessment Panel or Division of Administrative Law noting that the individual does not pose a risk to children.~~

~~3. When a center changes location, it is considered a new operation and a new application and fee for licensure shall be submitted. All items listed in §7303.A.2.g shall be submitted, except references and director/director designee qualifications if the director/director designee remains the same.~~

~~4. Change Of Ownership (CHOW)~~

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

~~i. change in the federal tax id number;~~  
~~ii. change in the state tax id number;~~  
~~iii. change in profit status;~~  
~~iv. any transfer of the child care business from an individual or juridical entity to any other individual or juridical entity;~~

~~v. termination of child care services by one owner and beginning of services by a different owner without a break in services to the children; and/or~~

~~vi. addition of an individual to the existing ownership on file with the Licensing Section.~~

~~b. 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 14 calendar days of the change:~~

~~i. if individual ownership, upon death of the spouse and prior to execution of the estate;~~

~~ii. if individual ownership, upon death of the spouse and execution of the estate, if the surviving spouse remains as the only owner;~~

~~iii. if individual ownership, undergoing a separation or divorce until a judicial termination of the community assets and gains, signed by both parties;~~

~~iv. changes in board members for churches, corporations, limited liability companies, universities, or governmental entities;~~

~~v. any removal of a person from the existing organizational structure under which the child day care facility is currently licensed.~~

~~e. A facility facing adverse action shall not be eligible for a CHOW. An application involving a center facing adverse action shall be treated as an initial application rather than a change of ownership.~~

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

~~i. a completed application and full licensure fee as listed in §7303.B.3 based on current licensed capacity or requested capacity, whichever is less;~~

~~ii. current (as noted in §7303.A.4.e) Office of State Fire Marshal approval;~~

~~iii. current (as noted in §7303.A.4.e) Office of Public Health approval;~~

~~iv. current (as noted in §7303.A.4.c) city fire approval (if applicable);~~

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

~~vi. a list of staff to include staff's name and position;~~

~~vii. documentation of director qualifications as listed in §7310.B;~~

~~viii. signed and dated statement from current owner noting last day care will be provided at the facility;~~

~~ix. signed and dated statement from new owner noting first day care will be provided at the facility;~~

~~x. documentation of director designee qualifications, if applicable as listed in §7310.B;~~

~~xi. three dated and signed reference letters on the director attesting affirmatively to his/her character, qualifications, and suitability to care and supervise children;~~

~~xii. three dated and signed reference letters on director designee (if applicable) attesting affirmatively to his/her character, qualifications, and suitability to care and supervise children;~~

~~xiii. documentation of a fingerprint-based satisfactory criminal record clearance for all staff, including owners and operators. CBC shall be dated no earlier than 30 days before the application has been received by the Licensing Section. (the prior owner's documentation of satisfactory criminal background checks is not transferrable); and~~

~~xiv. documentation of completed state central registry disclosure forms noting no justified (valid) finding of abuse and/or neglect for all staff including owners~~

~~and operators or a determination from the Risk Assessment Panel or Division of Administrative Law (DAL) noting that the individual does not pose a risk to children (the prior owner's documentation of state central registry disclosure forms is not transferrable).~~

~~e. The prior owner's current Office of State Fire Marshal, Office of Public Health, and city fire approvals are only transferrable for 60 calendar days. The new owner shall obtain approvals dated after the effective date of the new license from these agencies within 60 calendar days. The new owner will be responsible for forwarding the approval or extension from these agencies to the Licensing Section.~~

~~f. A licensing inspection shall be conducted within 60 calendar days to verify that the provider is in compliance with the minimum standards. 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 as verified by new measurement of the facility.~~

~~g. All staff/children's information shall be updated under the new ownership prior to or on the first day care is provided by the new owner.~~

~~h. If all information in §7303.A.4.d is not received prior to or on the last day care is provided by the existing owner, the new owner shall not operate until a license is issued. The new owner is not authorized to provide child care services until the licensure process is completed in accordance with §7303.A.1-2.~~

~~5. When a center changes class type, the following information shall be submitted to the bureau prior to the issuance of the new license:~~

~~a. written request from the provider;~~

~~b. full licensure fee;~~

~~e. documentation of commercial liability insurance in accordance with §7305.B and §7331.J; and~~

~~d. documentation of director/director designee qualifications as listed in §7310.A and B;~~

~~e. verification of substantial compliance with current child care regulations.~~

~~6. A license shall be valid only for the address on the application to a particular owner and is not transferable to another person or location or subject to sale. Two licenses shall not be issued simultaneously for the same physical address.~~

~~7. When a business is sold, discontinued, the operation has moved to a new location, or the license has been revoked, the current license immediately becomes null and void.~~

~~8. All new construction or renovation of a center requires approval from the agencies listed in §7303.A.2.d and the Bureau of Licensing prior to occupying the new space.~~

~~9. The bureau 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 revoked due to provider's failure to maintain compliance with minimum standards.~~

~~B. Fees~~

~~1. All fees shall be paid by certified check or money order only and are non refundable.~~

~~2. An application fee of \$25 shall be submitted with all initial applications. This fee will be applied toward the total licensure fee which is due prior to licensure of the provider. This fee is to be paid by all initial and change of location providers. The full licensure fee shall be paid on all~~

~~change of ownership applications. The full licensure fee shall be paid for all class changes.~~

~~3. Annual licensure fees are required prior to renewal of the license. License fee schedules (based on capacity) are listed below.~~

<b>License Fee Schedules</b>	
<b>Capacity</b>	<b>Fee</b>
<del>15 or fewer</del>	<del>\$25</del>
<del>16-50</del>	<del>\$100</del>
<del>51-100</del>	<del>\$175</del>
<del>101 or more</del>	<del>\$250</del>

~~4. Other licensure fees:~~

~~a. a replacement fee of \$25 for any provider replacing a license when changes to the license are requested, e.g., change in capacity, name change, age range change, transportation change. (There is no processing charge when the request coincides with regular renewal of license.):~~

~~i. capacity increase is effective when the following is received and approved by the bureau: written, signed request; fee; state fire approval; city fire approval (if applicable); state health approval; and measurement of the additional space by the bureau;~~

~~ii. transportation addition is effective when the following is received and approved by the bureau: written, signed request; fee; copy of appropriate driver's license(s); and insurance;~~

~~iii. name change, age range change, and addition of nighttime care is effective when the request and fee are received and approved;~~

~~iv. Change in director/director designee does not require a fee; however, documentation of qualifications and three reference letters are needed in order to process the request;~~

~~b. a processing fee of \$5 for issuing a duplicate license with no changes.~~

~~C. Relicensing~~

~~1. The annual relicensing survey is similar to the original licensing survey. Documentation of the previous 12 months' activity shall be available for review. The director will have an opportunity to review the survey deficiencies (if any).~~

~~2. A license is issued for a period of up to one year based upon provider's compliance with minimum standards. Before expiration of the license, re-inspections by the Office of Public Health, Sanitarian Services; Office of the State Fire Marshal, Code Enforcement and Building Safety; city fire (if applicable) and the Bureau of Licensing shall be required.~~

~~3. If the survey reveals that the provider is not meeting minimum requirements, a decision may be made by the department for adverse action.~~

~~4. The bureau shall be notified prior to making changes which may have an effect upon the license, e.g., age range of children served, usage of indoor and outdoor space, director, hours/months/days of operation, transportation, etc.~~

~~5. When a child care provider has been cited during an on-site inspection for violation of a licensing standard which the department deems non-critical, the department shall allow the provider an opportunity to immediately remedy the non-critical area of non-compliance if allowing such immediate correction does not endanger the health, safety, or well-being of any child in care. The remedy shall be included in the documentation noted by the department. The department shall exercise its discretion in determining which areas of the licensing standards are deemed critical under the particular circumstances which caused the deficiency to be cited.~~

~~a. Licensing staff shall cite the non critical deficiencies at the time of the inspection and shall note in the inspection findings whether the deficiency was corrected during the licensing inspection. If all non-critical deficiencies are verified as corrected during the inspection and no critical areas of non-compliance are cited, no follow up inspection is required. If non-critical deficiencies are not verified as corrected during the inspection, or if deficiencies in critical areas are cited, a follow up inspection may be conducted to determine that corrections have been made and maintained in a manner consistent with the licensing standards.~~

~~b. The statement of deficiencies shall be placed on the internet for public viewing unless posting the information violates state or federal law or public policy, and the posted deficiency statements shall note which areas of non-compliance were verified as corrected at the time of the licensing inspection.~~

~~c. Areas of non-critical non-compliance may include but are not limited to posted items, paperwork, children's records, documentation of training, furnishing/equipment, and emergency/evacuation procedures.~~

~~D. Denial, Revocation or Non-Renewal of License. An application for a license may be denied, or a license may be revoked, or renewal 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 Department of Social Services;~~

~~2. cruelty or indifference to the welfare of the children;~~

~~3. conviction of or a plea of guilty or nolo contendere of a felony, or any offense of a violent or sexual nature, or any offense involving a juvenile victim;~~

~~a. or, if the applicant is a firm or corporation, any of its board members or officers;~~

~~b. or, the person designated to manage or supervise the center;~~

~~4. hiring or continued employment of any individual (paid or non paid staff) convicted of a felony or a plea of guilty or nolo contendere of a felony or any offense of a violent or sexual nature or any offense involving a juvenile victim;~~

~~5. if the owner or director of the center is not reputable;~~

~~6. if the owner, director or a member of the staff is temperamentally or otherwise unsuited for the care of the children in the center;~~

~~7. history of noncompliance;~~

~~8. failure of the owner of the center to hire a qualified director;~~

~~9. disapproval from any agency whose approval is required for licensure;~~

~~10. non-payment of licensure fee and/or failure to submit application for renewal prior to the expiration of the current license;~~

~~11. 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;~~

~~12. the center is closed and there are no plans for immediate re-opening and no means of verifying compliance with minimum standards for licensure;~~

~~13. any act of fraud such as falsifying or altering documents required for licensure;~~

~~14. provider refuses to allow the bureau to perform mandated duties, i.e., denying entrance to the center, lack of cooperation for completion of duties, etc.;~~

~~15. presence or use of any recalled product by the provider that is listed in the newsletters issued by the Office of the Attorney General;~~

~~16. failure to attend any mandatory training session offered by the bureau;~~

~~17. 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 until a determination by the Risk Evaluation Panel or Division of Administrative Law that the individual does not pose a risk to children;~~

~~18. 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 time frame;~~

~~19. 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; or~~

~~20. 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.~~

~~E. Appeal Procedure. If the license is refused, revoked or denied because the provider does not ensure the compliance~~

~~with the minimum requirements for licensure, the procedure is as follows.~~

~~1. The Department of Social Services, Bureau of Licensing, shall advise the director by certified letter of the reasons for refusal, revocation, or denial and the right of appeal.~~

~~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 notice within 15 days of receipt of the notice of revocation or non-renewal. In the case of a denial of an initial application for a license, a provider may appeal the denial by submitting a written request to appeal the decision within 30 days of receipt of the notice of denial of application. A request for appeal should include the specific reasons the decision is believed to be erroneous and/or the specific reasons the decision is believed to be incorrect, and mailed to: Department of Social Services, Bureau of Appeals, P.O. Box 2944, Baton Rouge, LA 70821-9118.~~

~~3. The Bureau of Appeals shall set a hearing within 30 days after receipt of such a request. An appeals hearing officer shall conduct the hearing. Within 90 days after the date the appeal is filed, the hearing officer shall advise the appellant by certified letter of the decision, either affirming or reversing the original decision. If the appeal is denied, the provider shall terminate operation of the center immediately.~~

~~4. If the provider continues to operate without a license, the Department of Social Services may file suit in the district court in the parish in which the center is located for injunctive relief.~~

~~F.1. The director shall report all critical incidents as specified below. For the following critical incidents, immediate notification shall be made to emergency personnel and/or law~~

~~enforcement, as appropriate. In addition, the child's parent shall be contacted. Once contact or attempted contact has been made to child's parent, the director shall verbally notify Licensing Section management staff immediately. The verbal report shall be followed by a written report within 24 hours:~~

- ~~a. death of a child while in the care of the provider;~~
- ~~b. illness or injury requiring hospitalization or professional medical attention of a child while in the care of the provider;~~
- ~~c. any child leaving the facility and/or play yard unsupervised or with an unauthorized person;~~
- ~~d. any child left unsupervised on the play yard;~~
- ~~e. use of corporal punishment;~~
- ~~f. suspected abuse and/or neglect by facility staff;~~
- ~~g. any child given the wrong medication or an overdose of the correct medication;~~
- ~~h. leaving any child in a vehicle unsupervised or unsupervised on a field trip;~~
- ~~i. fire on the child care premises if children are present;~~
- ~~j. any serious and unusual situation that affects the safety and/or well being of a child or children in the care of the provider;~~
- ~~k. any emergency situation that requires sheltering in place;~~
- ~~l. implementation of facility lock down procedures, and/or temporarily relocating children;~~
- ~~m. any loss of power over two hours while children are in care;~~

~~n. an accident involving transportation of children in which children were injured; and/or~~

~~e. a physical altercation between adults in the presence of children on the child care premises.~~

~~2. Director shall ensure that appropriate steps have been taken to ensure the health and safety of the children in sheltering in place and/or lock down situations prior to notifying parents and/or Licensing Section management staff.~~

~~3. Within 24 hours or 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:~~

~~a. fire on the child care premises if children not present;~~

~~b. structural damage to the facility; and/or~~

~~e. an accident involving transportation of children in which children were not injured.~~

~~4. The written report to DCFS Licensing Section for critical incidents and reportable incidents shall include the following information:~~

~~a. name of facility;~~

~~b. address of facility;~~

~~c. license number;~~

~~d. contact number;~~

~~e. date of incident;~~

~~f. time of incident;~~

~~g. name of child or children involved;~~

~~h. name of staff involved and other staff present;~~

~~i. description of incident;~~

~~j. date and time of notification to parents (to include attempted contacts), law enforcement, and child welfare (CW), if applicable;~~

~~k. signature of person(s) notifying law enforcement, emergency personnel, CW, and parents;~~

~~l. corrective action taken and/or needed to prevent reoccurrence;~~

~~m. date and signature of staff completing report; and~~

~~n. signature of parent, with date and time of signature.~~

~~5. The director shall contact or attempt to contact a child's parent immediately upon the occurrence of any critical incident as noted in §7303.F.1 or reportable incident as noted in §7303.F.3.c. If the parent cannot be contacted by phone the director shall notify the child's parent verbally at the time the child is picked up from the facility.~~

#### ~~G. Disqualification From Application~~

##### ~~1. Definitions, as used in this Section:~~

###### ~~Affiliate-~~

~~i. with respect to a partnership, each partner thereof;~~

~~ii. with respect to a corporation, each officer, director and stockholder thereof;~~

~~iii. 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 an officer, director or stockholder, or holds, directly or indirectly, a controlling interest;~~

~~iv. 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~~

~~v. director of any such day care center.~~

~~Department the Department of Social Services.~~

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

~~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.~~

~~Facility any place, program, facility or agency operated or required by law to operate under a license, including facilities owned or operated by any governmental, profit, nonprofit, private, or church agency.~~

~~License=~~

~~i. any license issued by the department to operate any child care facility or child placing agency as defined in R.S. 46:1403;~~

~~ii. any license issued by the department to operate any adult residential care facility as defined in R.S. 40:2153; or~~

~~iii. any license issued by the department to operate any transitional youth residence as defined in R.S. 46:1453.~~

~~Provider all owners or operators of a facility, including the director of such facility. If the owner is a corporate entity, the owners are the officers, directors, and shareholders of the facility.~~

~~Unlicensed Operation operation of any child care facility or child-placing agency, adult residential care facility, or transitional youth residence, at any location, without a valid, current license issued by the department.~~

~~2. Disqualification of Facility and Provider~~

~~a. If a facility's license is revoked or not renewed due to failure to comply with state statutes and licensing rules, the department shall not accept a subsequent application from the provider for that facility or any new facility for a minimum period of two years after the effective date of revocation or non renewal or a minimum period of two years after all appeal rights have been exhausted, whichever is later (the disqualification period). 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 their designee prior to a decision being made to grant a license. The department reserves the right to determine, at its sole discretion, whether to issue any subsequent license.~~

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

~~c. In addition, if the applicant has had a substantial 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, the department may refuse to accept a subsequent application from that applicant for a minimum period of two years after the effective date of denial.~~

~~d. 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.~~

~~H. Posting of Notices of Revocation. The notice of revocation of the license shall be prominently posted.~~

~~1. The Department of Social Services 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 must remain visible to the parents and guardians of the children who attend the child care facility.~~

~~2. It shall be a violation of these rules for a provider to permit the obliteration or removal of a notice of revocation that has been posted by the department. 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 notify child care licensing in writing immediately if the notice is removed.~~

~~4. Failure to maintain the posted notice of revocation required under these rules shall be grounds for denial, revocation or non-renewal of any future license.~~

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 29:1108 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2756 (December 2007), amended LR 36:333 (February 2010), LR 36:832 (April 2010), repromulgated LR 36:1272 (June 2010), amended LR 36:1279 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section and Economic Stability and Self-Sufficiency Section, LR 36:2521 (November 2010), repromulgated 37:513 (February 2011), amended by the Department of Children and Family Services, Division of Programs, LR 37:812 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:247 (February 2014), effective March 1, 2014, repealed LR:42

**§7304. Definitions**

~~Anniversary center's licensure year, determined by the month in which the initial license was issued to the provider/center and in which the license is eligible for renewal each year.~~

~~Bureau the Bureau of Licensing of the Department of Social Services.~~

~~Capacity the number of children the provider is licensed to care for at any given time based on usable indoor and outdoor square footage as determined by the bureau.~~

~~Center a child care facility as defined in §7302.A.1.~~

~~Center Staff all full or part time paid or non paid staff who perform routine services for the child care center and have direct or indirect contact with children at the center. Center staff includes the director, child care staff, and any other employees of the center such as the cook, housekeeper, driver,~~

~~substitutes, and foster grandparents excluding extra-curricular personnel.~~

~~Change of Location~~ change of physical address of facility.

~~Change of Ownership~~ a transfer of ownership of a currently licensed facility that is in operation and caring for children, to another entity without a break in service to the children currently enrolled.

~~Child Care Staff~~ all full or part-time paid or non-paid staff who perform routine services for the child care center and have direct or indirect contact with children at the center. Staff includes the director, child care staff, and any other employees of the center such as the cook, housekeeper, driver, substitutes, and foster grandparents excluding extra-curricular personnel.

~~Children's Product Certificate (CPC)~~ a certificate that certifies that such children's product complies with the children's product safety rule based on the assessment of a third-party conformity assessment body accredited and accepted by the commission to conduct such tests and identifies: the product covered by the certificate, the safety regulation to which the product is being certified, the importer or domestic manufacturer, contact information for the individual maintaining records of test results, date and place where the product was manufactured, date and place where the product was tested, and identification of the third party laboratory on whose testing the certificate depends.

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

~~Comparable Setting~~ experience with pre-K, kindergarten or first grade, or the operator of a registered family day home.

~~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.~~

~~Department~~ the Department of Social Services in Louisiana.

~~Direct Supervision~~ visual contact at all times.

~~Director~~ refers to executive director, center director, and/or director designee.

1. ~~Executive Director~~ the owner or administrator. If on-site and responsible for the management, administration and supervision of the center, the executive director is also the center director. If not on site or not functioning as center director, the executive director maintains responsibility for the management, administration and supervision of the center(s) through a center director or director designee.

2. ~~Center Director~~ the on-site staff who is responsible for the day to day operation of the center as recorded with the Bureau of Licensing. For the purpose of these regulations the term director means center director or director designee, if applicable.

3. ~~Director Designee~~ the on-site individual appointed by the director when the director is not an on-site employee at the licensed location. This individual shall meet director qualifications.

~~Discipline~~ the ongoing positive process of helping children develop inner control so that they can manage their own behavior in an appropriate and acceptable manner by using corrective action to change the inappropriate behavior.

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

~~Employee~~ all full or part time paid center staff who perform services for the child care center and have direct or indirect contact with children at the center.

~~*Existing Center* 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 center, but who come to the center to provide therapy, services, or enrichment activities for an individual child or group of children. Examples: computer instructor, dance instructor, librarian, tumble bus personnel, therapeutic personnel (occupational therapist, physical therapist, speech therapist), nutritionist, early interventionist, nurse.~~

~~*Group* the number of children assigned to a caregiver or team of caregivers occupying an individual classroom or well-defined space within a larger room on a consistent or daily basis.~~

~~*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 a judicial separation of property agreement or acquired via a judicial termination of the community of acquets and gains.~~

~~*Infant* a child who has not yet reached his/her first birthday.~~

~~*Juridical Entity* corporation, partnership, limited liability company, church, university, or governmental entity.~~

~~*Medication* all internal and external drugs, whether over the counter or prescribed.~~

~~*Montessori School* a facility accredited as a Montessori School by the Board of Elementary and Secondary Education under R.S. 17:3401 et seq.~~

~~Natural Person~~ a human being and, if that person is married and not judicially separated or divorced, the spouse of that person.

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

~~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 does not include walking with 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.

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 entity.

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.

~~Posted~~ prominently displayed in a conspicuous location in an area accessible to and regularly used by parents.

~~Reasonable Suspicion~~ Child Care Licensing and Regulatory personnel has or acquires information containing specific and articulable facts indicating that an owner, operator, 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.~~

~~Registration Card~~ a postage-paid consumer registration form provided by the manufacturer with each product. Registration Cards shall identify the manufacturer's name and contact information, model name, model number, and the date of manufacture.

~~Shall or Must~~ mandatory.

~~Should~~ urged, advised or may.

~~Staff in Charge~~ the on-site staff appointed by the director as responsible for supervising the operation of the center 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 the Office of Community Services.

~~Student Trainee~~ an individual who observes in the center as a course requirement, is never left alone with children, nor counted in the child/staff ratio.

~~Temporary Absence~~ absence for errands, conferences, etc.

~~Tracking Label~~ a permanent, distinguishing mark on the product and its packaging, to the extent practicable, which shall contain certain basic information, including the source of the product, the date of manufacture, and cohort information, such as batch or run number.

~~Transportation~~ arranging or providing transportation of children for any reason including field trips and transportation by contract.

~~Visitor~~ anyone who enters the facility other than center staff, therapeutic professionals, extracurricular personnel, and

~~in the case of a church or school, any other routine employees such as a pastor, principal, teacher, etc.~~

~~Volunteer full or part-time non-paid center staff who perform services for the child care center and have direct or indirect contact with children at the center.~~

~~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, lake, river or 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 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 29:1111 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2758 (December 2007), amended LR 36:848 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:470 (March 2013), LR 40:249 (February 2014), effective March 1, 2014, repealed LR 42:

#### **§7305. General Requirements**

~~A. A Louisiana child care license with current information and current expiration date shall be on display in an area accessible to and regularly used by parents and visitors, except for church affiliated centers (R.S. 46:1408.D) that choose to keep the license on file and available upon request.~~

~~B. The provider shall maintain in force at all times current commercial liability insurance for the operation of a center to ensure medical coverage for children in the event of accident or injury. The provider is responsible for payment of medical expenses of a child injured while in the provider's care. Documentation shall consist of the insurance policy or current binder 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.~~

~~C. Parents shall not be required to waive the provider's responsibility.~~

~~D. The provider shall have documentation of yearly sanitation inspection and current approval from the Office of Public Health, Sanitarian Services. If food is catered or transported, approval is needed from the health department.~~

~~E. The provider shall have documentation of yearly safety inspection and current approval from the Office of State Fire Marshal.~~

~~F. The provider shall have documentation of yearly safety inspection and current approval from the city fire department (if applicable).~~

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

~~H. A daily attendance record for children, completed by the parent or center staff, including the time of arrival and departure of each child and the name of the person 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. If the record is completed by center staff, that individual shall write the first and last name of the person to whom the child was released and sign his/her own name. Children~~

~~who leave and return to the center during the day shall be signed in/out. A computerized sign in/out procedure is acceptable if the record accurately reflects the time of arrival and departure as well as the name of the person to whom the child was released.~~

~~I. A daily attendance record for staff, including the director/owner, to include the time of arrival and departure shall be maintained. Staff shall document in/out when not on the child care premises. This record shall accurately reflect persons on the child care premises at any given time.~~

~~J. The provider shall have an individual immediately available in case of emergency. The name and telephone number of the emergency person shall be posted near the telephone.~~

~~K. Any visitor to the center shall be accompanied by a staff person at all times.~~

~~L. Licensing Surveys; Notice Requirements. In accordance with Act 351 of the 2009 Regular Legislative Session, providers shall prominently post information advising parents or guardians that findings from licensing surveys are available online which includes the current web address, and that findings from licensing surveys are also available upon written request to the Department of Social Services.~~

~~M. Influenza Notice to Parents. In accordance with Act 343 of the 2009 Regular Legislative Session, providers shall make available to each child's parent or legal guardian information relative to the risks associated with influenza and the availability, effectiveness, known contraindications and possible side effects of the influenza immunization. This information shall include the causes and symptoms of influenza, the means by which influenza is spread, the places a parent or legal guardian may obtain additional information and where a child may be immunized against influenza. The information shall~~

~~be updated annually if new information on the disease is available. The information shall be provided annually to each licensed facility by the Department of Social Services and shall be made available to parents or legal guardians prior to November 1 of each year.~~

~~N. The physical presence of a sex offender in, on, or within 1,000 feet of a child day care facility is prohibited. Providers and child care staff shall not permit an individual convicted of a sex offense, as defined in R.S. 15:541, physical access to a child day care facility, as defined in R.S. 46:1403.~~

~~O. 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 1,000 feet of the child day care facility. The licensing office shall be contacted immediately. The verbal report shall be followed by a written report.~~

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 29:1112 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2759 (December 2007), amended LR 36:333 (February 2010), amended by the Department of Children and Family Services, Division of Programs, LR 37:812 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:249 (February 2014), effective March 1, 2014, repealed LR 42:

**§7306. Policies and Procedures Related to Children**

~~A. Prior to admission, the director, in consultation with the parent, shall determine that the individual needs of each child can adequately be met by the center's program and facilities. Provider shall have a written description of admission policies and criteria which expresses the needs, problems, situations or patterns best addressed by its program.~~

~~B. A schedule of the day's plan of activities, allowing for flexibility and change, shall be posted. The program of activities 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 program shall provide time and materials for both vigorous and quiet activities for children to share or to be alone, indoor and outdoor play, and rest. Regular time shall be allowed for routines such as washing, lunch, rest, snacks and putting away toys. Active and quiet periods shall be alternated so as to guard against over-stimulation of the child.~~

~~C. Programs/movies with violent or adult content (including soap operas) shall not be permitted in the presence of children.~~

~~D. Children 5 years and younger shall have a daily rest period of at least one hour. Providers that serve children in half-day programs are not required to schedule napping periods for these children.~~

~~E. While awake, children shall not remain in a crib/baby bed, swing, highchair, carrier, playpen, etc., for more than 30 consecutive minutes.~~

~~F. Discipline. The provider shall establish a policy in regard to methods of discipline. Any form of punishment that violates the spirit of this standard of discipline, even though it may not be specifically mentioned as forbidden, is~~

~~prohibited. This written posted policy shall clearly state all types of positive discipline that are used and that the following methods of discipline are prohibited.~~

~~1. No child shall be subject to physical punishment, corporal punishment, verbal abuse or threats.~~

~~2. Cruel, severe, unusual, or unnecessary punishment shall not be inflicted upon children.~~

~~3. Derogatory remarks shall not be made in the presence of children about family members of children in care or about the children themselves.~~

~~4. No child or group of children shall be allowed to discipline another child.~~

~~5. When a child is removed from the group for disciplinary reasons, he shall never be out of sight of a staff member.~~

~~6. No child shall be deprived of meals or snacks or any part thereof for disciplinary reasons.~~

~~G. Abuse and Neglect. As mandated reporters, all center staff shall report any suspected abuse and/or neglect of a child in accordance with R.S. 14:403 to the local child protection agency. This written policy as well as the local child protection agency's telephone number shall be posted.~~

~~H. Complaint Procedure. Parents shall be advised of the licensing authority of the bureau along with the current telephone number and address. Parents shall also be advised that they may call or write the bureau should they have significant, unresolved licensing complaints. This written policy as well as the current telephone number and address of the bureau shall be posted.~~

~~I. Open Door Policy. Parents shall be informed that they are welcome to visit the center anytime during regular hours of~~

~~operation as long as their child is enrolled. This written policy shall be posted.~~

~~J. Non-Discrimination Policy. Discrimination by child care providers on the basis of race, color, creed, sex, national origin, handicapping condition, ancestry, or whether the child is being breast fed is prohibited. 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 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 29:1112 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2760 (December 2007), repealed LR 42:

**§7307. Children's Records**

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

- ~~1. child's information form (mastercard) listing the child's name, birth date, sex, date of admission, name and phone number of child's physician and dentist, dietary restrictions, and allergies; signed and dated by the parent;~~
- ~~2. parental authorization to secure emergency medical treatment;~~
- ~~3. signed agreements between the provider and the parent for each child giving permission to release the child to a third party listed by the parent including any other child care facilities or transportation services. A child shall never be released to anyone unless authorized in writing by the parent;~~

~~4. signed agreements between the provider and the parent to transport the child. Daily trip authorization shall include name of child, type of service (i.e., to and from home, to and from school), parent's signature and date.~~

~~B. The provider shall maintain the confidentiality and security of all children's records. Employees of the center 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.~~

~~C. The provider shall obtain written, informed consent from the parent prior to releasing any information, recordings and/or photographs from which the child might be identified, except for authorized state and federal agencies.~~

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

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 29:1113 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2761 (December 2007), repealed LR 42:

**§7308. Retention of Records**

~~A. Documentation of the previous 12 months' activity shall be available for review. Records shall be accessible during the hours the facility is open and operating.~~

~~B. For licensing purposes, children's information shall be kept on file a minimum of one year from date of discharge from the center.~~

~~C. For licensing purposes, personnel records shall be kept on file a minimum of one year from termination of employment from the center.~~

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 29:1113 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2761 (December 2007), repealed LR 42:

**§7309. Required Staff**

~~A. Each center shall have a qualified director who is an on-site full-time employee at the licensed location and is responsible for planning, managing, and controlling the center's daily activities, as well as responding to parental concerns and ensuring that minimum licensing requirements are met. When the director is not an on-site full-time employee at the licensed location, there shall be a qualified director designee who is an on-site full-time employee responsible for planning, managing, and controlling the center'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.~~

~~C. If the number of children in care exceeds 42, the director/director designee's duties shall consist only of performing administrative functions.~~

~~D. There shall be regularly employed staff who are capable of fulfilling job duties of the position to which they are assigned.~~

~~E. Adequate provisions for cooking and housekeeping duties shall be provided. These duties shall not interfere with required supervision of children or required child/staff ratios.~~

~~F. There shall be provisions for substitute staff who are qualified to fulfill duties of the position to which they are assigned.~~

~~G. Child care staff shall be age 18 years or older. The provider may, however, include in the staff child ratio, a person 16 or 17 years old who works under the direct supervision of a qualified adult staff. No one under age 16 shall be used as child care staff.~~

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 29:1113 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2761 (December 2007), repealed LR 42:

**§7310. Director Qualifications**

~~A. The director/director designee shall be at least 21 years of age.~~

~~B. The director/director designee shall have documentation of at least one of the following upon date of hire as director or director designee:~~

~~1. a bachelor's degree from an accredited college or university with at least 12 credit hours of child development or early childhood education and one year of experience in a licensed child care center or comparable setting, subject to approval by the bureau;~~

~~2. an Associate of Arts degree in child development or a closely related area, and one year of experience in a licensed child care center, or comparable setting, subject to approval by the bureau;~~

~~3. a National Administrator Credential as awarded by the National Child Care Association, and one year experience in a licensed child care center, or comparable setting, subject to approval by the bureau;~~

~~4. a Child Development Associate Credential (CDA) and one year of experience in a licensed child care center, or comparable setting, subject to approval by the bureau;~~

~~5. diploma from a post secondary technical early childhood education training program approved by the Board of Regents or correspondence course approved by the bureau and one year of experience in a licensed child care center, or comparable setting, subject to approval by the bureau;~~

~~6. three years of experience as a director or staff in a licensed child care center, or comparable setting, subject to approval by the bureau; plus six credit hours in child care, child development, or early childhood education or 90 "clock hours" of training approved by the bureau. Up to three credit hours or 45 clock hours may be in management/administration education.~~

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 29:1114 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2762 (December 2007), repealed LR 42:

**§7311. Personnel Records**

~~A. A record for each paid and non-paid staff person, including substitutes and foster grandparents shall be on file at the center. Personnel record shall include:~~

~~1. an application and/or a staff information form with the following:~~

~~a. name;~~

~~b. date of birth;~~

~~c. address and telephone number;~~

~~d. previous training/work experience;~~

~~e. educational background; and~~

~~f. employee's starting and termination date;~~

~~2. documentation of three current, positive reference checks or telephone notes signed and dated. These references shall be obtained from persons not related to the employee;~~

~~3. written job descriptions for every position at the center;~~

~~4. a written statement of good health signed by a physician or designee. Health statement dated within three months prior to offer of employment or within one month after~~

~~date of employment is acceptable. A health statement is required every three years. Originals shall be presented upon request;~~

~~5. documentation of a fingerprint based satisfactory criminal record check (CBC) from Louisiana State Police as required by R.S. 46:51.2. This check shall be obtained prior to the individual being hired by or present in the child care facility. No person who has been convicted of, or pled guilty or nolo contendere to any offense included in R.S. 15:587.1, shall be hired by or present in any capacity in any licensed child care facility. CBC shall be dated no earlier than 30 days of the individual's hire date at the facility. If a staff person leaves the employment of the provider for more than 30 calendar days, a new fingerprint based CBC is required prior to the individual being rehired by or present on the child care premises. A criminal background check is satisfactory for purposes of this Section if it shows no arrests for any enumerated offense or, if an arrest is shown on the background check, the background check or certified documentation from the jurisdiction of arrest affirmatively shows that the charges were disposed of without a conviction for any excludable offense. A plea of guilty or nolo contendere shall be deemed a conviction;~~

~~a. if an individual applicant has previously obtained a certified copy of their criminal background check obtained from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police such certified copy shall be acceptable as meeting the CBC requirements for employees and/or staff. If an individual provides a certified copy of their criminal background check which he/she has previously obtained from the Louisiana State Police to the provider, this criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. An original certified copy or a photocopy of~~

~~the certified copy shall be kept on file at the facility in which the individual is currently employed/providing child care services. However, prior to the one year expiration of the certified criminal background check, a new fingerprint based satisfactory criminal background check shall be obtained from Louisiana State Police in order for the individual to continue employment/providing child care services at the center. If the clearance is not obtained prior to the one year expiration of the certified criminal background check, the individual is no longer allowed on the child care premises until a clearance is received;~~

~~6. documentation of a state central registry disclosure form (SCR 1) completed by the staff (paid and/or non paid) as required by R.S. 46:1414.1. This information shall be reported prior to the individual being on the premises of the child care facility, shall be updated annually, at any time upon the request of DCFS, and within 24 hours or no later than the next business day, whichever is sooner, of any staff receiving notice of a justified (valid) finding of child abuse and/or neglect. Any current or prospective employee, or volunteer of 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 and/or neglect of a child, unless there is a finding by the Risk Evaluation Panel or a ruling by the Division of Administrative Law (DAL) that the individual does not pose a risk to children.~~

~~a. The prospective paid and/or non paid staff (employee/volunteer) shall complete, sign, and date the state central registry disclosure form and submit the disclosure form to the owner or operator of the facility.~~

~~i. If a prospective staff (employee/volunteer) discloses that his or her name is currently recorded as a perpetrator on the state central registry, the director shall inform the applicant they will not be considered for employment or volunteer duties at that time due to the state central registry disclosure. The director will provide the prospective employee/volunteer with the state central registry risk evaluation request form (SCR 2) so that a risk assessment evaluation may be requested.~~

~~ii. Individuals are eligible for employment/volunteer services if and when they provide written determination from the Risk Evaluation Panel or the DAL noting that they do not pose a risk to children.~~

~~b. If a current staff receives notice of a justified (valid) finding of child abuse and/or neglect against them, he or she shall complete an updated state central registry disclosure form (SCR 1) noting the existence of the justified (valid) finding as required by R.S. 46:1414.1. This updated SCR 1 shall be submitted to the Licensing Section management staff within 24 hours or no later than the next business day, whichever is sooner, or upon being on the child care premises, whichever is sooner. Staff will have 10 calendar days from completion of the state central registry disclosure form to request a risk assessment evaluation in accordance with LAC 67:I.305 or shall be terminated immediately.~~

~~i. If the staff person will no longer be employed at the center, the provider shall immediately submit a signed, dated statement noting the individual's name and termination date.~~

~~ii. Immediately upon receipt of the knowledge that a justified (valid) finding has been issued by DCFS and as a condition of continued employment, the staff~~

~~person with the justified (valid) finding, when in the presence of children shall be directly supervised by a paid staff (employee) of the facility. The employee responsible for such supervision must have on file a completed state central registry disclosure form indicating that the employee's name does not appear on the state central registry with a justified (valid) finding of abuse and/or neglect, or a determination from either the Risk Evaluation Panel or the DAL that the supervising employee does not pose a risk to children. Under no circumstances may the staff person with the justified finding be left alone and unsupervised with a child or children. The provider shall submit a written statement to Licensing Section management staff acknowledging that the staff person with the justified finding will not be left alone and unsupervised with a child or children pending the disposition by the Risk Evaluation Panel or the DAL that the staff person does not pose a risk to children. When the aforementioned conditions are met, the staff (employee/volunteer) may be counted in child/staff ratio. A person supervised by an employee who does not have a satisfactory disclosure form on file as provided in this subsection shall be deemed to be alone and unsupervised.~~

~~(a). If the Risk Evaluation Panel finds the individual does pose a risk to children and the individual does not appeal the finding to the DAL within the required timeframe, the staff (employee/volunteer) shall be terminated immediately.~~

~~(b). If the Risk Evaluation Panel finds the individual does pose a risk to children and the individual appeals the finding to the DAL within the required timeframe, the staff (employee/volunteer) shall continue to be under direct supervision while in the presence of children by another paid staff of the facility who has not disclosed that they have a justified (valid) finding on the state central registry until a~~

~~ruling is made by the DAL that they do not pose a risk to children. Supervision shall not end until receipt of the ruling from the DAL that the employee does not pose a risk to children.~~

~~(c). If the DAL upholds the Risk Evaluation Panel finding that the individual does pose a risk to children, the individual shall be terminated immediately.~~

~~iii. State central registry disclosure forms, documentation of any disposition of the Risk Evaluation Panel and, when applicable, the DAL 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.~~

~~iv. Any information received or knowledge acquired that a current or prospective 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) finding of abuse and/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.~~

~~v. Any state central registry disclosure form, Risk Evaluation Panel finding, and DAL 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/or neglect.~~

~~B. All independent contractors including therapeutic professionals and extracurricular personnel, e.g. contracted transportation drivers, computer instructors, dance instructors, librarians, tumble bus personnel, speech therapists, licensed health care professionals, state certified teachers employed through a local school board, Louisiana Department of Education~~

~~(LDE) staff, local school district staff, art instructors, and other outside contractors shall have the following information on file:~~

~~1. documentation of a fingerprint based satisfactory criminal record check (CBC) from Louisiana State Police as required by R.S. 46:51.2. This check shall be obtained prior to the individual being present in the child care facility or providing services for the child care facility. No person who has been convicted of, or pled guilty or nolo contendere to any offense included in R.S. 15:587.1, shall be present in any capacity in any licensed child care facility. CBC shall be dated prior to the individual being present on the child care premises. A criminal background check is satisfactory for purposes of this section if it shows no arrests for any enumerated offense or, if an arrest is shown on the background check, the background check or certified documentation from the jurisdiction of arrest affirmatively shows that the charges were disposed of without a conviction for any excludable offense. A plea of guilty or nolo contendere shall be deemed a conviction;~~

~~a. if an individual has previously obtained a certified copy of their criminal background check obtained from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police such certified copy shall be acceptable as meeting the CBC requirements for independent contractors. If an individual provides a certified copy of their criminal background check which he/she has previously obtained from the Louisiana State Police to the provider, this criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. An original certified copy or a photocopy of the certified copy shall be kept on file at the facility in which the individual is currently providing child care services. However, prior to the~~

~~one year expiration of the certified criminal background check, a new fingerprint based satisfactory criminal background check shall be obtained from Louisiana State Police in order for the individual to continue providing child care services at the center. If the clearance is not obtained prior to the one year expiration of the certified criminal background check, the individual is no longer allowed on the child care premises until a clearance is received;~~

~~b. for the first school year that a LDE staff person or local school district staff person provides services to a child at a child care facility, that LDE staff person or local school district staff person shall provide documentation of a fingerprint based satisfactory criminal record check as required by §7311.A.5 or shall provide the original, completed, signed, notarized, DCFS approved affidavit to the provider prior to being present and working with a child or children at the facility. A photocopy of the original affidavit shall be kept on file at the facility. This affidavit will be acceptable for the entire school year noted in the text of the affidavit and expires on May 31 of the current school year. For all subsequent school years following the first year, the LDE staff or local school district staff person shall present a new affidavit or an original, completed, and signed letter from the superintendent of the school district or designee or superintendent of LDE or designee. The provider will need to view the original letter presented by the LDE staff or local school district staff person and keep a photocopy of the original letter on file at the facility. This letter will be acceptable for the entire school year noted in the text of the letter and expires on May 31 of the current school year. The letter is acceptable only if the following conditions are met:~~

~~i. the LDE staff person or local school district staff person has remained employed with the same school district as noted in the affidavit the provider has on file;~~

~~ii. the provider has maintained a copy of the affidavit on file; and~~

~~iii. the letter is presented on school district letterhead or LDE letterhead and signed by the superintendent of the school district or designee or superintendent of LDE or designee;~~

~~2. documentation of their presence at the facility to include:~~

~~a. name;~~

~~b. date of visit;~~

~~c. arrival and departure times; and~~

~~d. reason in center.~~

~~C. The following information shall be kept on file at the center for each student trainee:~~

~~1. an application and/or a staff information form with the following:~~

~~a. name;~~

~~b. date of birth; and~~

~~c. address and telephone number;~~

~~2. job descriptions to include job duties to be performed and name of supervisor;~~

~~3. documentation of their presence at the facility to include:~~

~~a. name;~~

~~b. date of visit;~~

~~c. arrival and departure times; and~~

~~d. reason in center.~~

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 29:1114 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2762 (December 2007), amended by the Department of Children and Family Services, Division of Programs, LR 37:813 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:250 (February 2014), effective March 1, 2014, repealed LR 42:

**§7312. Staff Development and Training**

~~A. Orientation Training~~

~~1. Within one week of employment and prior to having sole responsibility for a group of children, each staff member, including substitutes and foster grandparents, shall receive orientation training to include the following topics:~~

~~a. center policies and practices including health and safety procedures;~~

~~b. emergency and evacuation plan;~~

~~c. supervision of children;~~

~~d. discipline policy;~~

~~e. job description;~~

~~f. individual needs of the children enrolled;~~

~~g. detecting and reporting child abuse and neglect;~~

~~h. current Child Care Class "A" Minimum Licensing Standards; and~~

~~i. confidentiality of information regarding children and their families.~~

~~2.— This training shall be followed by four days of supervised work with children. Documentation shall consist of a statement/checklist in the staff record signed and dated by the staff person and director, attesting to having received such orientation training, and the dates of the supervised work with children.~~

~~B.— Quarterly Training. The director shall conduct, at a minimum, one staff training session/meeting every three months. Documentation shall consist of the date of the training session, training topics, and signatures (not initials) of all staff in attendance.~~

~~C.— Annual Review. All staff, including substitutes and foster grandparents, shall have a signed and dated checklist/statement that the following topics are annually reviewed:~~

- ~~1.— center policies and practices including health and safety procedures;~~
- ~~2.— emergency and evacuation plan;~~
- ~~3.— supervision of children;~~
- ~~4.— discipline policy;~~
- ~~5.— job description;~~
- ~~6.— individual needs of the children enrolled;~~
- ~~7.— detecting and reporting child abuse and neglect;~~
- ~~8.— current Child Day Care Class "A" Minimum Standards;~~
- ~~9.— confidentiality of information regarding children and their families.~~

~~D.— Continuing Education~~

~~1.— The director shall provide opportunities for continuing education of staff through attendance at child care workshops or conferences, for paid and non paid staff who are left alone with children, or who have supervisory or~~

~~disciplinary authority over children. The child care staff, excluding foster grandparents, shall obtain 12 clock hours of approved training per center's anniversary year in job related subject areas. At least three of the 12 clock hours of training for directors/director designees shall be in administrative issues. Documentation shall consist of attendance records or certificates received by staff. This is in addition to the required training hours from the Department of Health and Hospitals, pediatric first aid and infant/child/adult CPR. Medication administration training by a Child Care Health Consultant may count toward fulfilling three of the mandated 12 hours of continuing education training. All training shall have prior approval by the Department of Social Services. Original certificates shall be made available upon request.~~

~~2. — Cooks or drivers who are neither left alone with children, nor have supervisory nor disciplinary authority over children shall complete at least three clock hours of training in job related topics per center's anniversary year.~~

~~E. — CPR and First Aid~~

~~1. — A minimum of at least 50 percent of all staff on the premises and accessible to the children at all times shall have documentation of current infant/child/adult certification in CPR. Original cards shall be made available upon request. This training shall be approved by the Department of Social Services prior to acceptance.~~

~~2. — Centers with multiple buildings or floors, however, shall have at least one currently certified staff in approved infant/child/adult CPR in each building and on each floor of the center.~~

~~3. — A minimum of at least 50 percent of all staff on the premises and accessible to children shall have documentation of current pediatric first aid certification. Original cards~~

~~shall be made available upon request. This certification shall be approved by the Department of Social Services prior to acceptance.~~

~~4. Centers with multiple buildings or floors, however, shall have at least one currently certified staff in approved pediatric first aid in each building and on each floor of the center.~~

~~5. At least one staff in each vehicle (center provided or contract) shall have documentation of current infant/child/adult CPR certification and pediatric first aid certification.~~

~~6. At least 50 percent of the supervising staff on the field trip shall have documentation of current infant/child/adult CPR certification and pediatric first aid certification.~~

~~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.~~

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 29:1114 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2763 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:981 (April 2012), repealed LR 42:

**§7313. Water Activities**

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

~~B. On site and off site wading/swimming pool, or other water activities shall require at least two staff or other supervising adults to be trained in infant/child/adult CPR and pediatric first aid. One supervising adult shall be trained in an approved community water safety course. Providers who have wading pools with a depth of less than 2 feet shall not be required to have a staff with community water safety training. If children are taken to off site water activities, documentation shall be on file at the center that the director has verified that the supervising adult meets the above requirements or the lifeguard on duty is currently certified. The provider shall ensure that appropriate water safety devices are used when children are participating in water activities.~~

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 29:1115 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2763 (December 2007), repealed LR 42:

**§7315. Required Child/Staff Ratios**

~~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.~~

<b>Child/Staff</b>	
<b>Ages of Children</b>	<b>Ratio</b>
Infants under 12 months	5:1
One year old	7:1
Two year old	11:1
Three year old	13:1
Four year old	15:1
Five year old	19:1
Six year old and up	23:1

~~1. An average of the child/staff ratio may be applied to mixed groups of children ages 2, 3, 4, and 5. Ratios for children under 2 or over 5 years old are excluded from averaging. When a mixed group includes children less than 2 years of age, the age of the youngest child determines the ratio for the group to which the youngest child is assigned. When a mixed group includes children both older and younger than 6 years old and older, the ages of the children less than 6 determine the ratio for the group.~~

~~2. During naptime, required staffing shall be present in the building to satisfy child/staff ratios and be available to assist as needed (refer to §7317 regarding supervision requirements).~~

~~3. Staff counted for purposes of meeting child/staff ratio shall be awake.~~

~~B. Child/staff ratio plus one additional adult shall be met for all field trips and non vehicular excursions.~~

~~C. Child/staff ratio as specified in §7315.A A.1 shall be met when walking children to and from school.~~

~~D. When the nature of a child with special health care needs or the number of children with special health care 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.~~

~~E. The DCFS form noting required child/staff ratios 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 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 42:

**§7317. Supervision**

~~A. Children shall be supervised at all times in the facility, on the playground, on field trips, and on non vehicular excursions, including all water activities and water play activities.~~

~~1. Children shall not be left alone in any room, (excluding the restroom as noted in §7317.B) outdoors, or in vehicles, even momentarily, without a staff present.~~

~~2. 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 state how many children are in their care at all times.~~

~~B. Children who are developmentally able may be permitted to go to the restroom on the child care premises independently, provided that:~~

~~1. staff member's proximity to children assures immediate intervention to safeguard a child from harm while in the restroom;~~

~~2. individuals who are not staff members may not enter the facility restroom area while in use by any child other than their own child;~~

~~3. a child five years of age and younger shall be supervised by staff members who are able to hear the child while in the restroom; and~~

~~4. a child six years of age and older may be permitted to go and return from the restroom without staff; however, staff must know the whereabouts of the child at all times.~~

~~C. When children are outside on the play yard, 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 one year 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. 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.~~

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 40:1674 (September 2014), repealed LR 42:

**§7319. Food Service and Nutrition**

~~A. Well balanced and nourishing meals and snacks shall be provided as specified under the Child Care Food Program of the United States Department of Agriculture (See Appendix A).~~

~~B. Additional servings of nutritious food over and above the required daily minimum shall be made available to children as needed if not contraindicated by special diets.~~

~~C. Meals and snacks shall be served at 2 1/2 to 3 hour intervals.~~

~~D. Current weekly menus for meals and snacks listing specific food items served shall be prominently posted. Menu substitutions shall be recorded on or near the posted menu.~~

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

~~F. Providers who do not serve breakfast shall have food available for children arriving in the morning without having eaten this meal.~~

~~G. 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 children's play areas.~~

~~H. Infants shall be held while being bottle fed. An infant or any child who can hold a bottle shall not be placed in a crib, on a mat, cot, etc., with the bottle unless written permission is obtained from the parent.~~

~~I. A bottle shall not be propped at any time.~~

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

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

~~L. Developmentally appropriate equipment shall be used at mealtimes, such as feeding tables, highchairs, etc.~~

~~M. Drinking water shall be available indoors and outdoors to all children. Drinking water shall be offered at least once between meals and snacks to all children. Water shall be given to infants only with written instructions from parents.~~

~~N. Children are not allowed to bring food into the center except under the following circumstances.~~

~~1. Bottled formula/breast milk for infants shall have labeled bottles and labeled caps/covers with the child's name or initials and refrigerated upon arrival.~~

~~2. Baby food shall be in the original unopened container and labeled with the child's name or initials.~~

~~3. When a child requires a special diet, a written statement from a medical authority shall be on file.~~

~~4. Children with food allergies/intolerance shall have a written statement signed by the parent indicating the specific food allergy/intolerance.~~

~~5. When a child requires a modified diet for religious reasons, a written statement to that effect from the child's parent shall be on file.~~

~~6. Refreshments for special occasions such as birthday parties and holidays, with prior approval from the director may be served.~~

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), repealed LR 42:

**§7321. Health Service to the Child**

~~A. A provider that gives medication assumes additional responsibility and liability for the safety of the children. Effective January 1, 2005, the staff person(s) administering medication shall be trained in medication administration. The training shall be obtained every two years.~~

~~B. No medication of any type, prescription, non-prescription, special medical procedure shall be administered by center staff unless authorized in writing by the parent.~~

~~Authorization shall include:~~

- ~~1. child's name;~~
- ~~2. name of the medication;~~
- ~~3. date(s) to be administered;~~
- ~~4. dosage;~~
- ~~5. time to be administered;~~
- ~~6. special instructions, if applicable;~~
- ~~7. side effects;~~
- ~~8. signature of parent and date of signature; and~~
- ~~9. circumstances for administering "as needed"~~

~~medication.~~

~~C. Medication or medical procedures to be provided on an as needed basis or maintenance prescription shall be updated as changes occur, or at least every three months by the parent.~~

~~D. All medication sent to the center 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.~~

~~E. The provider shall follow any special directions as indicated on the medication bottle, i.e., before or after meals, with food or milk, refrigerate, etc.~~

~~F. If medication label reads "to consult physician," a written physician authorization with child's name, date, medication name and dosage must be on file in order to administer the medication in addition to the parental authorization.~~

~~G. Medication administration records shall be maintained verifying that the medication was given according to parent's authorization, which includes:~~

- ~~1. date;~~
- ~~2. time;~~
- ~~3. dosage administered;~~
- ~~4. signature (not initials) of the staff member who gave the medication; and~~
- ~~5. phone contact (date and time) with the parent prior to giving "as needed" medication.~~

~~H. When parents administer medication to their own children on the child care premises, the following information shall be documented:~~

- ~~1. date;~~
- ~~2. child's name;~~
- ~~3. time administered;~~
- ~~4. medication name;~~
- ~~5. dosage administered; and~~
- ~~6. name of person administering medication.~~

~~I. The provider shall not apply topical ointments/sprays/creams (i.e., sunscreen, insect repellent, diaper rash ointment, etc.) without a written one-time authorization signed and dated from the parent, unless changes occur.~~

~~J. Upon arrival at the center, each child shall be observed for possible signs of illness, infections, bruises, injuries, physical condition, etc. When noted, results including an explanation from parent and/or child shall be documented.~~

~~K. Incidents of injuries or accidents shall be documented. 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, and actions taken. Documentation of all injuries/accidents shall include time of parental notification and signature of person~~

~~notifying the parent. The parent or designated person shall be notified immediately in the following situations:~~

- ~~1. blood not contained in an adhesive strip;~~
- ~~2. head injury;~~
- ~~3. human bite which breaks the skin;~~
- ~~4. any animal bite;~~
- ~~5. an impaled object;~~
- ~~6. broken or dislodged teeth; or~~
- ~~7. any injury requiring professional medical~~

~~attention.~~

~~L. Documentation of illnesses or unusual behavior shall be maintained. Documentation shall include child's name, type/description of illness or unusual behavior, date and time of onset and actions taken, time of parental notification and signature of person notifying the parent. The parent or designated person shall be notified immediately in the following situations:~~

- ~~1. allergic reaction;~~
- ~~2. skin changes, e.g., rash, spots, swelling, etc.;~~
- ~~3. unusual breathing;~~
- ~~4. dehydration;~~
- ~~5. any temperature reading over 101° oral, 102°~~

~~rectal, or 100° axillary; or~~

~~6. any illness requiring professional medical attention.~~

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 29:1117 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2765 (December 2007), repealed LR 42:

**§7323. Physical Environment**

~~A. Indoor Space Required~~

~~1. The center shall be used exclusively by the children and center staff during operating hours. Area licensed for use as a child care center shall not be dually licensed. A child care facility, except those located in a church or school, shall be physically separated from any other business or enterprise.~~

~~2. A minimum of at least 35 square feet per child of indoor space shall be available. The space shall not include toilet facilities, hallways, lofts, storage or food preparation areas, or offices. Any room counted as play space shall be available for play during play hours. If rooms are used exclusively for dining or sleeping, they cannot be included in the licensed capacity.~~

~~3. For indoor space, the number of children using a room shall be based on the 35 square feet per child requirement except for group activities such as film viewing, parties, dining and sleeping.~~

~~4. Provisions shall be available indoors for temporarily isolating a child having or suspected of having a communicable disease so he/she can be removed from the other children. Movable partitions are permissible so that the space may be used for play when not needed for isolating an ill child.~~

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

~~B. Outdoor Space Required~~

~~1. Outdoor play space with a direct exit from the center 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 fence while going to and/or from the outdoor play yard.~~

~~2. The outdoor space shall provide a minimum of 75 square feet for each child in the outdoor play space at any one time. The minimum outdoor play space shall be available for at least one third of the licensed capacity.~~

~~3. The outdoor play space shall be enclosed with a fence or other 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.~~

~~4. Crawlspace and mechanical, electrical, or other hazardous equipment shall be made inaccessible to children.~~

~~5. Areas where there are open cisterns, wells, ditches, fish ponds and swimming pools or other bodies of water shall be made inaccessible to children by fencing.~~

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 29:1118 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2766 (December 2007), repealed LR 42:

**§7325. Furnishings and Equipment**

~~A. A working telephone capable of incoming and outgoing calls shall be available at all times and readily available at the center. Coin operated telephones or cellular telephones are not acceptable for this purpose.~~

~~B. When a center has multiple buildings and a telephone is not located in each building where the children are housed, a written plan shall be posted in each building for securing emergency help.~~

~~C. Appropriate emergency numbers such as fire department, police department, and medical facility shall be prominently posted on or near the telephone.~~

~~D. The telephone number for poison control shall be prominently posted on or near the telephone.~~

~~E. The center's physical address shall be posted with the emergency numbers.~~

~~F. All equipment and materials shall be appropriate to the needs and ages of the children enrolled.~~

~~G. All play equipment and equipment necessary for the operation of the center shall be maintained in good repair.~~

~~H. Play equipment of sufficient quantity and variety for indoor and outdoor use encouraging physical play and quiet play/activities which is appropriate to the needs and ages of the children shall be provided.~~

~~I. Low, open shelves, bins, or other open containers shall be within easy reach of the children for the storage of play materials in each play area.~~

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

~~K. Chairs and table space of a suitable size shall be available for each child two years of age or older.~~

~~L. Individual and appropriate sleeping arrangements shall be made available for each child. An individual cot and/or mat of appropriate size, height, and material, sufficient to ensure each child's health and safety, shall be provided. The cot and/or mat shall be of adequate size to ensure that the child's head and feet rest on the mat and/or cot. For programs serving children ages 6 and above only, individual and appropriate sleeping arrangements shall be made available for a child that requests a rest time.~~

~~M. A safety approved crib shall be made available for each infant.~~

~~1. Effective December 28, 2012, each crib in use shall meet U.S. Consumer Product Safety Commission (CPSC) requirements for full size cribs as defined in 16 Code of Federal Regulations (CFR) 1219, or non full size cribs as defined in 16 CFR 1220.~~

~~2. A crib meets the requirements of this section if:~~

~~a. the crib has a tracking label which notes that the crib was manufactured on or after June 28, 2011; or~~

~~b. the provider has a registration card which accompanies the crib and notes that the crib was manufactured on or after June 28, 2011; or~~

~~c. the provider has obtained a Children's Product Certificate (CPC) certifying the crib as meeting requirements for full size cribs as defined in 16 Code of Federal Regulations (CFR) 1219, or non full size cribs as defined in 16 CFR 1220.~~

~~3. A crib that does not meet the requirements of this Section shall be removed from the child care premises no later than December 27, 2012.~~

~~N. Each child's sleeping accommodations shall be assigned to him/her on a permanent basis and labeled.~~

~~O. Sheets for covering the cot or mat shall be provided by either the provider or the parent, unless the cots or mats are covered with vinyl or another washable surface. A labeled sheet or blanket for covering the child shall also be provided by either the provider or the parent.~~

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

~~Q. Stackable cribs are prohibited.~~

~~R. Cribs, cots, or mats shall be spaced at least 18 inches apart.~~

~~S. Each crib shall be equipped with a firm mattress and well fitting sheets. Mattresses shall be of standard size so that the mattress fits the crib frame without gaps of more than 1/2 inch. Homemade mattresses are prohibited.~~

~~T. The minimum height from the top of the mattress to the top of the crib rail shall be 20 inches at the highest point.~~

~~U. Trampolines are prohibited.~~

~~V. Infant walkers are prohibited.~~

~~W. Toy chests with attached lids are prohibited.~~

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

~~Y. Sleeping is prohibited in playpens and/or mesh-sided cribs.~~

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 29:1118 (July 2003), repromulgated by the

Department of Social Services, Office of Family Support, LR 33:2766 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:470 (March 2013), repealed LR 42:

**§7327. Safety Requirements**

~~A. Prescription and over-the-counter medications, poisons, cleaning supplies, harmful chemicals, equipment, tools and any substance with a warning label stating it is harmful or that it should be kept out of the reach of children, shall be locked away from and inaccessible to children. Whether a cabinet or an entire room, the storage area shall be locked.~~

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

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

~~D. Secure railings shall be provided for flights of more than three steps and for porches more than 3 feet from the ground.~~

~~E. Gates shall be provided at the head or foot of each flight of stairs to which children have access.~~

~~F. Accordion gates are prohibited unless there is documentation on file that the gate meets requirements as approved by the Office of Public Health, Sanitarian Services.~~

~~G. Unused electrical outlets shall be protected by a safety plug cover.~~

~~H. Strings and cords (such as those found on window coverings) shall not be within the reach of children.~~

~~I. First aid supplies shall be kept on site and easily accessible to employees, but not within the reach of children.~~

~~J. All areas of the center used by the children, including sleep areas, shall be properly heated, cooled, and ventilated.~~

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

~~L. The center and yard shall be clean and free from hazards.~~

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

~~N. The provider shall post "The Safety Box" newsletter issued by the Office of the Attorney General as required by Chapter 55 of Title 46 of the R.S. 46:2701-2711.~~

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

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 29:1119 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2767 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:981 (April 2012), repealed LR 42:

**§7328. Emergency Preparedness and Evacuation Planning**

~~A. The director, in consultation with appropriate state or local authorities, shall establish and follow a written multi-hazard emergency and evacuation plan to protect children in the event of an emergency. The plan shall include shelter in place, lock down situations, and evacuations with regard to natural disasters, man-made disasters, and attacks while children are in care. The plan shall be appropriate for the area in which the center is located and address any potential disaster due to that particular location. At a minimum, the plan shall be reviewed annually by the director for accuracy and updated as changes occur. Documentation of review by the director shall consist of the director's signature and date. The plan shall be reviewed with all staff at least twice per calendar year. Documentation evidencing that the plan has been reviewed with all staff shall include staff signatures and date reviewed. The plan shall also include information regarding handling children with special needs enrolled in the child care center as well as instructions for handling infants through children age two. The plan shall specifically address the evacuation and transportation of children in wheelchairs. 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 notify the parents or authorized third party release caretakers of children in attendance at the childcare center of the emergency situation. The plan shall include a system to reunify children and parents following an emergency. Parents shall be informed of the details of this emergency plan at the time of enrollment.~~

~~B. The multi hazard emergency and evacuation plan shall include lock down procedures for situations that may result in~~

~~harm to persons inside the child care center, including but not limited to a shooting, hostage incident, intruder, trespassing, disturbance, or any situation deemed harmful at the discretion of the director 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 shall be kept in classrooms or other designated safe locations that are away from the danger. Staff members shall account for children and ensure that no one leaves the classroom/safe area. Staff shall secure center entrances and ensure that no unauthorized individual leaves or enters the center.~~

~~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.~~

~~2. Parent or authorized representative shall be notified of a "lock down" situation at the center no later than at the time of the child's release 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 center 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:~~

- ~~1. list of area emergency phone numbers;~~
- ~~2. list of emergency contact information and emergency medical authorization for all children enrolled;~~

~~3. 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);~~

~~4. first aid kit;~~

~~5. hand sanitizer;~~

~~6. wet wipes;~~

~~7. tissue;~~

~~8. diapers for children enrolled who are not yet potty trained;~~

~~9. plastic bags;~~

~~10. battery powered flashlight;~~

~~11. battery powered radio;~~

~~12. batteries;~~

~~13. food for all ages of children enrolled, including infant food and formula;~~

~~14. disposable cups; and~~

~~15. bottled water.~~

~~E. Provider shall maintain a copy of all records, documents, and computer files necessary for the continued operation of the center following an emergency in a portable file and/or offsite location.~~

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

~~G.1. 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:~~

~~a. date and time of drill;~~

~~b. number of children present;~~

~~c. amount of time to evacuate the center;~~

~~d. problems noted during drill and corrections noted; and~~

~~e. signatures (not initials) of all staff present.~~

~~2. The Licensing Section recommends that at least one fire drill every six months be held at rest time.~~

~~H. 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:~~

~~1. date and time of drill;~~

~~2. number of children present;~~

~~3. problems noted during drill and corrections noted; and~~

~~4. signatures (not initials) of all 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 38:981 (April 2012), repealed LR 42:

**§7329. 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 activity, date and signature of parent, and shall be updated at least annually.~~

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

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 29:1119 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2767 (December 2007), LR 42:

**§7331. General Transportation (Contract, Center-Provided, Parent-Provided)**

~~A. Providers who transport or arrange transportation of children assume additional responsibility and liability for the safety of the children. Whether transportation is provided on a daily basis or for field trips only, these general regulations shall apply. Transportation arrangements shall conform to state laws, including seat belts and child restraints.~~

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

~~NOTE: For additional information regarding state laws, contact Office of Public Safety.~~

~~C. The driver or attendant shall not leave the children unattended in the vehicle at any time.~~

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

~~E. The vehicle shall be maintained in good repair.~~

~~F. The use of tobacco in any form, use of alcohol and possession of illegal substances or unauthorized potentially toxic substances, firearms, pellet or BB guns (loaded or~~

~~unloaded) in any vehicle while transporting 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 center vehicles to ensure medical coverage for 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. The provider is responsible for payment of medical expenses of a child injured while in the provider's care. 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. If transportation is provided by parents for field trips or transportation is provided by contract, whether daily or field trip, a copy of the current liability insurance shall be maintained on file.~~

~~J. The vehicle shall have evidence of a current safety inspection. In lieu of a visual inspection of a contracted vehicle, a signed statement by the agency representative verifying the expiration date of the current inspection is acceptable.~~

~~K. 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. In lieu of a visual inspection of a contracted vehicle, a signed statement by the agency representative verifying this information is acceptable.~~

~~L.—There shall be information in each vehicle identifying the name of the director and the name, telephone number, and address of the center for emergency situations. In lieu of a visual inspection of a contracted vehicle, a signed statement by the agency representative verifying this information is acceptable.~~

~~M.—In accordance with R.S. 32:295.3.1, a provider may have a child safety alarm installed in any vehicle that has a seating capacity of six or more passengers in addition to the driver. This vehicle has to be owned or operated by the day care center, its owner, operator, or employees and used to transport children to or from the day care center. The child safety alarm is an ignition based alarm system that voice prompts the driver to inspect the vehicle for children before exiting the vehicle and shall be installed by a person or business that is approved by the manufacturer of the child safety alarm. An owner or director of a day care center who elects to have a child safety alarm installed in a vehicle owned or operated by the day care center shall ensure that the child safety alarm is properly maintained and in good working order each time the vehicle is used for transporting children to or from a day care center.~~

~~N.—A visual inspection of the vehicle is required to ensure that no child was left on the vehicle. 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 visual check inspection and sign his or her full name, indicating that no child was left on the vehicle. For field trips, whether facility~~

~~provided or contracted, the vehicle shall be checked and a face-to-name count conducted prior to leaving facility for destination, when destination is reached, before departing destination for return to facility, and upon return to facility. For daily transportation services, the vehicle shall be inspected at the completion of each trip/route prior to the staff person exiting the vehicle.~~

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 29:1119 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2767 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1207 (May 2012), LR 40:253 (February 2014), effective March 1, 2014, repealed LR 42:

**§7333. Field Trips (Contract, Center-Provided, Parent Provided)**

~~A. All requirements for general transportation, §7331, also apply to field trips.~~

~~1. In addition, the following standards shall apply when transportation is provided/arranged for field trips.~~

~~a. The provider shall maintain a signed parental authorization for each field trip. Field trip authorization shall include the type of service (contract vehicle, center owned vehicle, parent vehicle) used to transport children, event, location, child's name, date and time of event, parent's signature and date.~~

~~b. At least two staff, one of whom may be the driver, shall be in each vehicle unless the vehicle has a communication device and child/staff ratio is met in the vehicle.~~

~~e. The provider shall maintain a record of all field trips taken, to include date and destination, list of passengers (children, parents, staff) (going and returning) and method of transportation.~~

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

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

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 29:1120 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2768 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:253 (February 2014), effective March 1, 2014, repealed LR 42:  
**§7335. Daily Transportation (Contract or Center-Provided)**

~~A. All requirements in general transportation, §7331, also apply for daily transportation.~~

~~1. In addition, the following standards all apply when daily transportation is provided/arranged.~~

~~a. A staff person shall be present when the child is delivered to the center.~~

~~b. The driver plus one staff are required at all times in each vehicle when transporting any child under five years of age.~~

~~c. When transporting children five years of age and older, the driver plus one staff person shall be in each contracted or center provided vehicle unless the vehicle has a communication device which allows staff to contact emergency personnel, and the child/staff ratio is met in the vehicle.~~

~~d. Each driver or attendant shall be provided with a current master transportation list including each child's name, pick up and drop off locations and authorized persons to whom the child may be released. Documentation shall be maintained on file at the center whether provided by center or contract.~~

~~e. The driver or attendant shall maintain an attendance record for each trip. The record shall include the driver's name, the date, name of all passengers (children and adults) in the vehicle, the name of the person to whom the child was released and the time of release. Documentation shall be maintained on file at the center whether provided by center or contract.~~

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 29:1120 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR

33:2768 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:253 (February 2014), effective March 1, 2014, repealed LR 42:

**§7337. Contract Requirements**

~~A.—The provider shall maintain a contract which 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 include verbiage in §7331.~~

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 29:1120 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2769 (December 2007), repealed LR 42:

**§7339. Care for Children during Nighttime Hours**

~~A.—All minimum standards for child care centers apply to providers who care for children after 9 p.m. and in which no individual child remains for more than 24 hours in one continuous stay.~~

~~1.—In addition, the following standards shall apply.~~

~~a.—There shall be a designated "staff in charge" employee who is at least 21 years of age.~~

~~b.—Adequate staff shall be present in the center to meet the child/staff ratios as indicated in §7315; however, there shall always be a minimum of at least two staff present.~~

~~e. Meals shall be served to children who are in the center at the ordinary meal times.~~

~~d. 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).~~

~~e. There shall be a posted schedule of activities.~~

~~f. Evening quiet time activity such as story time, games, and reading shall be provided to each child arriving before bedtime.~~

~~g. Physical restraints shall not be used to confine children to bed.~~

~~h. The center's entrance and drop off zones shall be well lighted during hours of operation.~~

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 29:1121 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2769 (December 2007), repealed LR 42:

**§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 centers. 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 center to obtain certain information pertaining to that~~

~~particular day care center 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 center in question, the Bureau of Licensing 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 center.~~

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

~~4. The Bureau of Licensing 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 center 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 center, subject to the limitations provided by R.S. 46:56(F)(4)(c);~~

~~b. whether or not the day care center 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;~~

~~e. any violations of standards, rules, or regulations applicable to such day care center; and~~

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

~~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 center.~~

~~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. As is required for obtaining copies of records under the Public Records Act, 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.~~

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 25:1130 (December 1999), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2769 (December 2007), repealed LR 42:

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

~~NOTE: Pursuant to Act 868 of the 2014 Regular Session of the Louisiana Legislature, specifically R.S. 17:407.32, the~~

~~authority to license child care centers transfers from the Department of Children and Family Services to the Department of Education, effective October 1, 2014. Additionally, pursuant to R.S. 17:407.38 of Act 868, until such time as rules are promulgated by the Board of Elementary and Secondary Education to implement the new Type I, Type II and Type III child day care center licenses, child care centers shall continue to follow the rules promulgated by DCFS for the licensure of Class A and Class B child care centers.~~

**§7355. Authority**

~~A. The Louisiana Advisory Council on Child Care and Early Education~~

~~1. The Louisiana Advisory Council on Child Care and Early Education is hereby created in accordance with R.S. 46:1414, as amended by Acts 2009, No. 194, to provide input and guidance to the Department of Social Services on matters pertaining to rules, regulations and standards for licensure of Class A and Class B day care centers as defined in R.S. 46:1403(A)(4).~~

~~2. The council shall be composed of 12 voting members appointed by the Secretary of the Department of Social Services and 9 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;~~

~~e. 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:~~

~~i. the Louisiana Head Start Association;~~  
~~ii. the Louisiana Partnership for Children and Families;~~

~~iii. the Louisiana Association for the Education of Young Children;~~

~~iv. the Child Care Association of Louisiana; and~~

~~v. 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:~~

~~i. the Department of Education Pre-Kindergarten Program;~~

~~ii. the Department of Education Child and Adult Care Food Program;~~

~~iii. Louisiana Office of State Fire Marshal;~~

~~iv. the Department of Health and Hospitals, Office of Sanitarian Services;~~

~~v. the Louisiana Workforce Commission;~~

~~vi. the Louisiana State Police Bureau of Criminal Identification; and~~

~~vii. three representatives from the Department of Social Services.~~

~~3. Members will 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 over 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 chair, vice chair 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.~~

~~B.— Penalties. As mandated by R.S. 46:1421, whoever operates any child care facility or child placing agency as defined in R.S. 46:1403, including any child day care center, without a valid license issued by the department shall be fined not less than \$1,000 per day for each day of such offense.~~

~~C.— Injunctions. If any child care facility operates without a valid license issued by the department, the department may file suit in the district court in the parish in which the facility is located for injunctive relief. This injunctive order may include a temporary restraining order to restrain the institution, society, agency, corporation, person or persons, or~~

~~any other group operating the child care facility from continuing the violation.~~

~~D.—Inspections. It shall be the duty of the Department of Social Services, through its duly authorized agents, to inspect at regular intervals not to exceed one year or as deemed necessary by the department and without previous notice all child care facilities and child placing agencies subject to the provisions of R.S. 46:1401 et seq. The facility shall be open to inspection at all times during working hours or when children are in care by the parents or legal guardians of children in care and by all authorized inspection personnel.~~

~~E.—Waivers. The Secretary of the Department of Social Services, in specific instances, may waive compliance with a minimum standard if it is determined that the economic impact is sufficiently great to make compliance impractical. These standards may be waived only if the health and well being of the staff and/or the children are not placed in danger.~~

~~F.—The following is a listing of individuals by organizational type who are considered owners for licensing purposes.~~

~~1.—Individual Ownership individual and spouse.~~

~~2.—Partnership all limited or general partners and managers, including but not limited to, all persons registered as limited or general partners with the Secretary of State's Corporations Division.~~

~~3.—Head Start individual responsible for supervising facility directors.~~

~~4.—Church Owned, Governmental Entity, or University Owned any clergy and/or board member that is present in the child care facility during the hours of operation or when children are present. Clergy and/or board members not present in~~

~~the child care facility shall provide an annual statement attesting to such.~~

~~5. Corporation (includes limited liability companies) any person who has 25 percent or greater share in the ownership or management of the business or who has less than a 25 percent share in the ownership or management of the business and meets one or more of the criteria listed below. If a person has less than a 25 percent share in the ownership or management of the business and does not meet one or more of the criteria listed below, a signed, notarized attestation form shall be submitted in lieu of providing a criminal background clearance. This attestation form is a signed statement which shall be updated annually from each owner acknowledging that he/she has less than a 25 percent share in the ownership or management of the business and that he/she does not meet one or more of the criteria below:~~

~~a. has unsupervised access to the children in care at the child care facility;~~

~~b. is present in the child care facility during hours of operation;~~

~~c. makes decisions regarding the day-to-day operations of the child care facility;~~

~~d. hires and/or fires child care staff including the director/director designee; and/or~~

~~e. oversees child care staff and/or conducts personnel evaluations of the child care staff.~~

~~G. All owners of a child day care facility shall provide documentation of a fingerprint based satisfactory criminal record check (CBC) from Louisiana State Police as required by R.S. 46:51.2., R.S. 15:587.1, and R.S. 1491.3. A copy of the criminal background check shall be submitted for each owner of a child care facility with an initial application, a change of~~

~~ownership application, a change of location application, and/or an application for renewal of a child day care license. No person with a criminal conviction or plea of guilty or nolo contendere to any offense included in R.S. 15:587.1, shall directly or indirectly own, operate, and/or participate in the governance of a child care facility. In addition, neither an owner, nor a director, nor a director designee shall have a conviction of a felony conviction of, plea of guilty, or nolo contendere to any of the following crimes of fraud: 18 U.S.C. 287, 18 U.S.C. 134, R.S. 14:67.11, R.S. 14:68.2, R.S. 14:70, R.S. 14:70.1, R.S. 14:70.4, R.S. 14:70.5, R.S. 14:70.7, R.S. 14:70.8, R.S. 14:71, R.S. 14:71.1, R.S. 14:71.3, R.S. 14:72, R.S. 14:72.1, R.S. 14:72.1.1, R.S. 14:72.4, R.S. 14:72.5, R.S. 14:73.5, and R.S. 14:133.~~

~~1. An owner 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 Licensing. If an owner provides a certified copy of their criminal background check obtained from the Louisiana State Police, this criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. An original certified copy or a photocopy of the certified copy shall be kept on file at the facility in which the individual currently owns/operates. However, prior to the one year expiration of the certified criminal background check, a new fingerprint based satisfactory criminal background check shall be obtained from Louisiana State Police in order for the individual to continue to be eligible to own or operate the child care facility. If the clearance is not obtained prior to the one year expiration of the certified criminal background check, the owner is no longer eligible to own or operate the child care facility.~~

~~2. New members/owners added to a partnership, church, corporation, limited liability corporation or governmental entity where such change does not constitute a change of ownership for licensing purposes shall provide documentation of a satisfactory criminal record check by Louisiana State Police obtained in the same manner as those required by R.S. 46:51.2 and R.S. 15:587.1. No person with a criminal conviction or plea of guilty or nolo contendere to any offense included in R.S. 15:587.1, shall directly or indirectly own, operate or participate in the governance of a child care facility.~~

~~3. Every owner shall submit the criminal background check showing that he or she has not been convicted of or pled guilty or nolo contendere to any offense enumerated in R.S. 15:587.1, together with the initial application or, in the case of an existing facility, with the application for renewal of the license. If the criminal background check shows that any owner has been convicted of or pled guilty or nolo contendere to any enumerated offense under R.S. 15:587.1, the owner or director shall submit the information to the Licensing Section management staff within 24 hours or no later than the next business day, whichever is sooner, upon receipt of the result.~~

~~H. All owners shall complete, sign, and date the state central registry disclosure form (SCR 1) as required by R.S. 46:1414.1. This information shall be reported prior to the owner being on the premises of the child care facility, shall be updated annually at the time of licensure renewal, at any time upon the request of DCFS, and within 24 hours or no longer than the next business day, whichever is shorter, of any owner receiving notice of a justified (valid) finding of child abuse and/or neglect against them. If information is known to 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 and/or neglect of a child, the individual shall have a determination by the Risk Evaluation Panel or a ruling by the Division of Administrative Law (DAL) that the individual does not pose a risk to children in order to continue to own or operate a licensed child care facility.~~

~~1. Within 24 hours or no later than the next business day, whichever is shorter, of current owners receiving notice of a justified (valid) finding of child abuse and/or neglect against them, an updated state central registry disclosure form (SCR 1) shall be completed by the owner and submitted to Licensing Section management staff as required by R.S. 46:1414.1. The owner shall request a risk evaluation assessment in accordance with LAC 67:I.305 within 10 calendar days from completion of the state central registry disclosure form or the license shall be revoked. Immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the owner, at any and all times when he/she is in the presence of a child or children, shall be directly supervised by a paid staff (employee) of the facility. The employee responsible for supervising the owner shall have on file a completed state central registry disclosure form indicating that the employee's name does not appear on the state central registry with a justified (valid) finding of abuse and/or neglect. Under no circumstances may an owner with a justified finding be left alone and unsupervised with a child or children pending the disposition of the Risk Evaluation Panel or the DAL determination that the owner does not pose a risk to any child and/or children in care. An owner supervised by an employee who does not have a satisfactory disclosure form on file as provided in this sub section shall be deemed to be alone and unsupervised.~~

~~a. Any owner with a justified (valid) finding of abuse and/or neglect on the state central registry must submit, together with the SCR-1 required above either:~~

~~i. a written, signed, and dated statement to Licensing Section management staff acknowledging that they are aware of the supervision requirements and understand that under no circumstances are they to be left alone and unsupervised with a child or children and that they shall be directly supervised by a paid staff (employee) of the facility. The employee responsible for supervising the owner shall have on file a completed state central registry disclosure form indicating that the employee's name does not appear on the state central registry with a justified (valid) finding of abuse and/or neglect; or~~

~~ii. a written, signed, and dated statement to Licensing Section management staff that he/she will not be on the premises of the facility at any time when a child is present nor during the facility's hours of operation.~~

~~b. If the Risk Evaluation Panel determines that the owner poses a risk to children and the individual does not appeal the determination within the required timeframe, the owner shall no longer be eligible to own or operate the child care facility.~~

~~e. If the Risk Evaluation Panel determines that the owner poses a risk to children and the individual appeals the determination to the DAL within the required timeframe, the owner shall continue to be under direct supervision when in the presence of a child or children on the child care premises. Supervision must continue until receipt of a ruling from the DAL that the owner does not pose a risk to children.~~

~~d. If the DAL upholds the Risk Evaluation Panel's determination that the owner poses a risk to children,~~

~~the owner shall no longer be eligible to own or operate the child care facility.~~

~~2. Prospective owners shall complete, sign, and date the state central registry disclosure form and submit the disclosure form at the time of application to the DCFS Licensing Section. If a prospective owner discloses that his or her name is currently recorded as a perpetrator on the state central registry, the application shall be denied unless the owner requests a risk evaluation assessment on the state central registry risk evaluation request form (SCR 2) within the required timeframe. DCFS will resume the licensure process when the owner provides the written determination by the Risk Evaluation Panel or the DAL that they do not pose a risk to children.~~

~~a. If the Risk Evaluation Panel determines that the prospective owner poses a risk to children and the individual does not appeal the determination within the required timeframe, the prospective owner shall withdraw the application within 14 calendar days of the mailing of the DAL decision or the application shall be denied.~~

~~b. If the Risk Evaluation Panel determines that the prospective owner poses a risk to children and the individual appeals the determination to the DAL within the required timeframe, the department shall not proceed with the licensure process until a ruling is made by the DAL that the owner does not pose a risk to children. In addition, if the owner/operator is operating legally with six or less children as defined in R.S 46:1403, the owner shall submit:~~

~~i. a written, signed, and dated statement to Licensing Section management staff acknowledging that they are aware of the supervision requirements and understand that under no circumstances are they to be left alone and~~

~~unsupervised with a child or children and that they shall be directly supervised by a paid staff (employee) of the facility. The employee responsible for supervising the owner shall have on file a completed state central registry disclosure form indicating that the employee's name does not appear on the state central registry with a justified (valid) finding of abuse and/or neglect; or~~

~~ii. a written, signed, and dated statement to Licensing Section management staff that he/she will not be on the premises of the facility at any time when a child is present nor during the facility's hours of operation; or~~

~~iii. If the owner/operator is not providing care for any children, a written, signed dated statement to Licensing Section management staff shall note that the owner/operator is not caring for any children and will not care for children prior to receiving a license.~~

~~e. If the DAL upholds the Risk Evaluation Panel determination that the prospective owner poses a risk to children, the prospective owner shall withdraw the application within 14 calendar days of the mailing of the DAL decision or the application shall be denied.~~

~~3. State central registry disclosure forms, documentation of any disposition of the Risk Evaluation Panel and, when applicable, the DAL 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.~~

~~4. Any information received or knowledge acquired that a current or prospective owner and/or operator has falsified a state central registry disclosure form stating that they are not currently recorded as a perpetrator with a justified (valid) finding of abuse or neglect shall be reported~~

~~in writing to 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 DAL 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/or neglect.~~

~~I. Critical Violations/Fines~~

~~1. In accordance with R.S. 46:1430, when a provider is cited for violations in the following areas, the department (DCFS) may at its discretion elect to impose sanctions, revoke a license, or both:~~

~~a. §7355.G and/or §7365.C.4, and/or §7365.C.5 criminal background check;~~

~~b. §7355.H and/or §7365.C.6 state central registry disclosure;~~

~~c. §7361.M.1 and/or 7361.M.5 critical incidents;~~

~~d. §7363.C.1.i and/or 7363.D.2 motor vehicle;~~

~~e. §7371.A ratio, and/or;~~

~~f. §7372 supervision.~~

~~2. The option of imposing other sanctions does not impair the right of DCFS to revoke and/or not renew a provider's license to operate if it determines that the violation poses an imminent threat to the health, safety, rights, or welfare of a child or children. Only when the department finds that the violation does not pose an imminent threat to the health, safety, rights, or welfare of a child or children will the department consider sanctions in lieu of revocation or non-renewal; however, the absence of such an imminent threat does~~

~~not preclude the possibility of revocation or non renewal in addition to sanctions, including fines.~~

~~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.~~

~~4.a. For the first violation of one of the aforementioned categories, if the department does not revoke or not renew the license, the department may issue a formal warning letter noting the department's intent to take administrative action if further violations of the same category occur.~~

~~b. The warning letter shall include a directed corrective action plan (CAP) which shall outline the necessary action and timeframe for such action that a provider shall take in order to maintain compliance with the licensing regulations. The provider shall acknowledge receipt of the warning letter by submitting a written response to the CAP within 14 calendar days of receipt of the letter. Failure by the provider to submit requested information and/or failure to implement the CAP as evidenced by a repeated violation of the same category of the regulations may result in either the assessment of a civil fine, revocation/non renewal of license, or both.~~

~~5. For the second violation of one of the same aforementioned categories within a 24 month period, provider will be assessed a civil fine of up to \$250 per day for violation of each of the aforementioned categories (if same category cited (twice) and fined for each day the provider was determined to be out of compliance with one of the~~

~~aforementioned categories according to the following schedule of fines:~~

~~a. The base fine level for all violations shall be \$200 per day. From the base fine level, factor in any applicable upward or downward adjustments, even if the adjustment causes the total to exceed \$250. If the total fine after all upward and downward adjustments, exceeds \$250, reduce the fine for the violation to \$250 as prescribed by law.~~

~~i. If the violation resulted in death or serious physical or emotional harm to a child, or placed a child at risk of death or serious physical or emotional harm, increase the fine by \$50.~~

~~ii. If a critical violation for child/staff ratio is cited and provider was found to have three or more children above the required ratio, increase the fine by \$50.~~

~~iii. If a critical violation for child/staff ratio is cited for failure to have a minimum of two staff present, increase the fine by \$50.~~

~~iv. If the provider had a previous license revoked for the same critical violation cited, increase the fine by \$25.~~

~~v. If a critical violation for supervision was cited due to a child being left alone outdoors, increase the fine by \$25.~~

~~vi. If the age of the child cited in the child/staff ratio critical violation is four years of age or younger, increase the fine by \$25.~~

~~vii. If the age of the child cited in the supervision critical violation is four years of age or younger, increase the fine by \$25.~~

~~viii. If the critical violation was cited and occurred despite the objective good faith best efforts of licensee to comply, decrease the fine by \$25.~~

~~ix. If a critical violation was cited for the provider's incomplete documentation of the motor vehicle check, decrease the fine by \$25.~~

~~x. If the cited critical violation was for annual state central registry disclosure forms, decrease the fine by \$25.~~

~~xi. If the provider self reported the incident which caused the critical violation to be cited, decrease the fine by \$25.~~

~~6. For the third violation of one of the same aforementioned categories within a 24 month period, the provider's license may be revoked.~~

~~7. The aggregate fines assessed for violations determined in any consecutive 12 month period shall not exceed \$2,000. If a critical violation in a different category is noted by DCFS that warrants a fine and the provider has already reached the maximum allowable fine amount that could be assessed by the department in any consecutive 12 month period as defined by the law and the department does not revoke or not renew the license, the department may issue a formal warning letter noting the department's intent to take administrative action if further violations of the same category occur within the 12 month period. The warning letter shall include a directed CAP which shall outline the necessary action and timeframe for such action that a provider shall take in order to maintain compliance with the licensing regulations. The provider shall acknowledge receipt of the warning letter by submitting a written response to the CAP within 14 calendar days of receipt of the letter. Failure by the provider to submit requested information and/or~~

~~failure to implement the CAP as evidenced by a repeated violation of the same category of the regulations may result in revocation/non-renewal of license.~~

~~J. Departmental Reconsideration and Appeal Procedure for Fines~~

~~1. When a fine is imposed under these regulations, the department shall notify the director or owner by letter that a fine has been assessed due to deficiencies cited at the facility and the right of departmental reconsideration. The notification may be sent by certified mail or hand delivered to the facility. If the director or owner is not present at the facility, delivery of the written reason(s) 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. The letter shall specify the dates and the violation cited for which the fine(s) shall be imposed. Fines are due within 30 calendar days from the date of receipt of the letter unless the provider request a reconsideration of the fine assessment. The provider may request reconsideration of the assessment by asking DCFS for such reconsideration in writing within 10 calendar days from the date of receipt of the letter. A request for reconsideration shall include a copy of the letter from the Licensing Section that notes the reasons for assessment of the fine together with the specific reasons the provider believes assessment of the fine to be unwarranted and shall be mailed to Department of Children and Family Services, Licensing Section, P.O. Box 260035 Baton Rouge, LA 70826. If the provider withdraws the request for reconsideration, the fine is payable within 7 calendar days of the withdrawal or on the original date that the fine was due, whichever is later.~~

~~2. The department shall advise the director or owner by letter of the decision of DCFS after reconsideration and the~~

~~right to appeal. The notification may be sent by certified mail or hand delivered to the facility. If the director or owner is not present at the facility, delivery of the written decision may be made to any staff of the facility. Notice to a staff shall constitute notice to the facility of such action.~~

~~a. — If DCFS finds that the Licensing Section's assessment of the fine is justified, the provider shall have 15 calendar days from the receipt of the reconsideration letter to appeal the decision to the DAL. A request for appeal shall include a copy of the letter from the Licensing Section that notes the reasons for assessment of the fine and a copy of the reconsideration decision 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, Appeals Section, P.O. Box 2944, Baton Rouge, LA 70821-9118.~~

~~b. — The DCFS Appeals Section shall notify the DAL of receipt of an appeal request. Division of Administrative Law (DAL) shall conduct a hearing in accordance with the Administrative Procedure Act within 30 days of the receipt thereof, and shall render a decision not later than 60 days from the date of the hearing. The appellant will be notified by letter from DAL of the decision, either affirming or reversing the department's decision.~~

~~c. — If the provider has filed a timely appeal and the department's assessment of fines is affirmed by an administrative law judge of the DAL, the fine shall be due within 30 calendar days after mailing notice of the final ruling of the administrative law judge or, if a rehearing is requested, within 30 calendar days after the rehearing decision is rendered. The provider shall have the right to seek judicial~~

~~review of any final ruling of the administrative law judge as provided in the Administrative Procedure Act. If the appeal is dismissed or withdrawn, the fines shall be due and payable within 7 calendar days of the dismissal or withdrawal. If a judicial review is denied or dismissed, either in district court or by a court of appeal, the fines shall be due and payable within 7 calendar days after the provider's suspensive appeal rights have been exhausted.~~

~~3. If the provider does not appeal within 15 calendar days of receipt of the department's reconsideration decision, the fine is due within 30 calendar days of receipt of the department's reconsideration decision and shall be mailed to Department of Children and Family Services, Licensing Section, P.O. Box 260035 Baton Rouge, LA 70826. If the provider files a timely appeal, the fines shall be due and payable on the date set forth in §7355.J.2.c. If the provider withdraws the appeal, the fine is payable within 7 calendar days of the withdrawal or on the original date that the fine was due, whichever is later.~~

~~4. If the provider does not pay the fine within the specified timeframe, the license shall be immediately revoked and the department shall pursue civil court action to collect the fines, together with all costs of bringing such action, including travel expenses and reasonable attorney fees. Interest shall begin to accrue at the current judicial rate on the day following the date on which the fines become due and payable.~~

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 40:1674 (September 2014), repealed LR 42:

**§7357. Definitions**

~~A.—The following are definitions of terms used in these minimum standards.~~

~~Bureau Bureau of Licensing of the Louisiana Department of Social Services.~~

~~Change of Ownership a transfer of ownership of a currently licensed facility that is in operation and caring for children, to another entity without a break in service to the children currently enrolled.~~

~~Child Care Staff all full or part time paid or non paid staff who perform routine services for the child care center and have direct or indirect contact with children at the center. Staff includes the director, child care staff, and any other employees of the center such as the cook, housekeeper, driver, substitutes, and foster grandparents excluding extra-curricular personnel.~~

~~Child Day Care Center a child day care facility as defined in R.S. 46:1403, including vehicles or other structures owned or operated by the provider where care and supervision of children are provided, or where some process or operation integral to providing or facilitating care or supervision is conducted.~~

~~Children's Product Certificate (CPC) a certificate that certifies that such children's product complies with the children's product safety rule based on the assessment of a third party conformity assessment body accredited and accepted by the commission to conduct such tests and identifies: the~~

~~product covered by the certificate, the safety regulation to which the product is being certified, the importer or domestic manufacturer, contact information for the individual maintaining records of test results, date and place where the product was manufactured, date and place where the product was tested, and identification of the third-party laboratory on whose testing the certificate depends.~~

~~Class A License issued to centers that meet Class A minimum standards.~~

~~Class B License issued to centers that meet Class B minimum standards.~~

~~Corporal Punishment shall be defined as and limited to a spanking.~~

~~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.~~

~~Department the Department of Social Services in Louisiana.~~

~~Director an individual employed by the owner of the center or by a board of a church or other organization to be responsible for the operation of the child care center.~~

~~Discipline Policy a policy that is to be made available to each parent/guardian and outlines the discipline (corporal or noncorporal punishment) plan to be administered by the center.~~

~~Employee all full or part time paid child care staff who perform services for the child care center and have direct or indirect contact with children at the center.~~

~~Extra Curricular Personnel/Therapeutic~~

~~Professionals individuals who are not employees of the center, but who come to the center to provide therapy, services, or enrichment activities for an individual child or group of children. Examples: computer instructor, dance instructor,~~

~~librarian, tumble bus personnel, therapeutic personnel  
(occupational therapist, physical therapist, speech therapist),  
nutritionist, early interventionist, and nurse.~~

~~Hereditary Relationship is defined as the natural or  
adopted child or grandchild of the caregiver or a child in the  
legal custody of the caregiver.~~

~~Incident Report a record book that staff can record  
injuries in that a child may have arrived at school with. Each  
entry should be recorded, signed by the person making the  
report, and signed by a witness to the injury and report.~~

~~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 a judicial separation of property  
agreement or acquired via a judicial termination of the  
community of acquets and gains.~~

~~Infant a child who has not yet reached his/her first  
birthday.~~

~~Juridical Entity corporation, partnership, limited-  
liability company, church, university, or governmental entity.~~

~~Master Card, Child's an information form that gives  
identifying and pertinent information on each child.~~

~~Medication Permission Slip an authorization form which  
gives the child care center parents' permission (and dosage  
instructions) regarding administering medication to their child.~~

~~Montessori School a school that has a BESE board  
certification to be a Montessori school classification.~~

~~Natural Person a human being and, if that person is married  
and not judicially separated or divorced, the spouse of that  
person.~~

~~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 does not include walking with 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.

a. ~~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 entity.

b. ~~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.

~~Personnel Health Record~~ gives medical information of employees indicating a current check of communicable diseases.

~~Reasonable Suspicion~~ child care licensing and regulatory personnel has or acquires information containing specific and articulable facts indicating that an owner, operator, 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.

~~Registration Card~~ a postage paid consumer registration form provided by the manufacturer with each product. Registration

~~cards shall identify the manufacturer's name and contact information, model name, model number, and the date of manufacture.~~

~~Shall or Must~~ mandatory.

~~Spanking~~ a striking by the director's open hand on the clothed buttocks of a child older than 24 months of age as punishment.

~~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 the Office of Community Services.

~~Substitute Employee~~ an individual hired to take the place of any staff member.

~~Temporary Employee~~ an individual who, on an occasional basis, works under the supervision of a regular staff member.

~~Tracking Label~~ a permanent, distinguishing mark on the product and its packaging, to the extent practicable, which shall contain certain basic information, including the source of the product, the date of manufacture, and cohort information, such as batch or run number.

~~Volunteer~~ full or part-time non-paid child care staff who performs services for the child care center and have direct or indirect contact with children at the center.

~~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 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 26:1636 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2770 (December 2007), amended LR 36:334 (February 2010), LR 36:850 (April 2010), amended by the Department of Children and Family Services, Division of Programs, LR 37:814 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:471 (March 2013), LR 40:257 (February 2014), effective March 1, 2014, repealed LR 42:

**§7359. Procedures**

~~A. Initial Application~~

~~1. Anyone applying for a license after the effective date of these standards shall meet all of the requirements herein.~~

~~2. Before beginning operation, it is mandatory to obtain licenses from the Department of Social Services, Bureau of Licensing. To do so, the following steps should be followed.~~

~~a. Prior to purchasing, leasing, etc., carefully check all local zoning and building ordinances in the area where you are planning to locate. Standards from the Office of Public Health, Sanitation Services; Office of the State Fire Marshal, Code Enforcement and Building Safety; and city fire department (if applicable) should be obtained.~~

~~b. After securing a building, obtain an application form issued by:~~

~~Department of Social Services~~

~~Bureau of Licensing~~

~~P.O. Box 3078~~

~~Baton Rouge, LA 70821 3078~~

~~Phone: (225) 922-0015~~

~~Fax: (225) 922-0014~~

~~e. The completed application shall indicate Class "B" license. Anyone applying for State or Federal funding shall apply for a Class "A" license. Licensure fees are required to be paid by all centers. A Class "B" may not be changed to a Class "A" license if revocation procedures are pending.~~

~~(However, child care facilities or agencies licensed as a Class "B" facility and owned or operated by a church or religious organization are exempt from annual license fees.)~~

~~d. After the center's location has been established, complete and return the application form. It is necessary to contact the following offices prior to building or renovating a center:~~

~~i. Office of Public Health, Sanitation Services;~~

~~ii. Office of the State Fire Marshal, Code Enforcement and Building Safety;~~

~~iii. office of city fire department (if applicable);~~

~~iv. zoning department (if applicable);~~

~~v. city or parish building permit office.~~

~~e. After the application has been received by the Bureau of Licensing, the bureau will request the Office of State Marshal, office of city fire department (if applicable), Office of Public Health and any known required local agencies to make an inspection of the location, as per their standards. However, it is the applicant's responsibility to obtain these inspections and approvals. A licensing specialist will visit the center to conduct a licensing survey.~~

~~f. A license will be issued on an initial application when the following items have been met and written verification is received by the Bureau of Licensing:~~

~~i. fire approval (state and city, if applicable);~~

~~ii. health approval;~~

~~iii. zoning (if applicable);~~

~~iv. full licensure fee paid (if applicable);~~

~~v. three positive references on the director;~~

~~vi. licensure survey verifying compliance with all minimum standards;~~

~~vii. documentation of a satisfactory criminal record clearance for all staff including all owners and operators;~~

~~viii. documentation of completed state central registry disclosure forms noting no justified (valid) finding of abuse and/or neglect for all staff or documentation from the Risk Assessment Panel or Division of Administrative Law noting that the individual does not pose a risk to children.~~

~~3. When a center changes location, it is considered a new operation and a new application and fee for licensure shall be submitted. All items listed above shall be resubmitted, except references if the director remains the same.~~

~~4. Change Of Ownership (CHOW)~~

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

~~i. change in the federal tax id number;~~

~~ii. change in the state tax id number;~~

~~iii. change in profit status;~~

~~iv. any transfer of the child care business from an individual or juridical entity to any other individual or juridical entity;~~

~~v. termination of child care services by one owner and beginning of services by a different owner without a break in services to the children; and/or~~

~~vi. addition of an individual to the existing ownership on file with the Licensing Section.~~

~~b. 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 14 calendar days of the change:~~

~~i. if individual ownership, upon death of the spouse and prior to execution of the estate;~~

~~ii. if individual ownership, upon death of the spouse and execution of the estate, if the surviving spouse remains as the only owner;~~

~~iii. if individual ownership, undergoing a separation or divorce until a judicial termination of the community acquets and gains, signed by both parties;~~

~~iv. changes in board members for churches, corporations, limited liability companies, universities, or governmental entities;~~

~~v. any removal of a person from the existing organizational structure under which the child day care facility is currently licensed.~~

~~c. A facility facing adverse action shall not be eligible for a CHOW. An application involving a center facing adverse action shall be treated as an initial application rather than a change of ownership.~~

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

~~i. a completed application and full licensure fee as listed in §7359.B.2 based on current licensed capacity or requested capacity, whichever is less;~~

~~ii. current (as noted in §7359.A.4.c) Office of State Fire Marshal approval;~~

~~iii. current (as noted in §7359.A.4.c) Office of Public Health approval;~~

~~iv. current (as noted in §7359.A.4.c) City Fire approval (if applicable);~~

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

~~vi. a list of staff to include staff's name and position;~~

~~vii. documentation of director qualifications as listed in §7369.A;~~

~~viii. signed and dated statement from current owner noting last day care will be provided at the facility;~~

~~ix. signed and dated statement from new owner noting first day care will be provided at the facility;~~

~~x. three dated and signed reference letters on the director attesting affirmatively to his/her character, qualifications, and suitability to care and supervise children;~~

~~xi. documentation of a fingerprint based satisfactory criminal record clearance for all staff, including owners and operators. CBC shall be dated no earlier~~

~~than 30 days before the application has been received by the Licensing Section (the prior owner's documentation of satisfactory criminal background checks is not transferrable); and~~

~~xii. documentation of completed state central registry disclosure forms noting no justified (valid) finding of abuse and/or neglect for all staff including owners and operators or a determination from the Risk Assessment Panel or Division of Administrative Law (DAL) noting that the individual does not pose a risk to children (the prior owner's documentation of state central registry disclosure forms is not transferrable).~~

~~e. The prior owner's current Office of State Fire Marshal, Office of Public Health, and City Fire approvals are only transferrable for 60 calendar days. The new owner shall obtain approvals dated after the effective date of the new license from these agencies within 60 calendar days. The new owner will be responsible for forwarding the approval or extension from these agencies to the Licensing Section.~~

~~f. A licensing inspection shall be conducted within 60 calendar days to verify that the provider is in compliance with the minimum standards. 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 as verified by new measurement of the facility.~~

~~g. All staff/children's information shall be updated under the new ownership prior to or on the first day care is provided by the new owner.~~

~~h. If all information in §7359.A.4.d is not received prior to or on the last day care is provided by the existing owner, the new owner shall not operate until a license~~

~~is issued. The new owner is not authorized to provide child care services until the licensure process is completed in accordance with §7359.A.1-2.~~

~~5.—All new construction or renovation of a center requires approval from agencies listed above and the Bureau of Licensing.~~

~~6.—The bureau 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 revoked due to center's failure to maintain compliance with minimum standards.~~

~~7.—A license is not transferable to another person or location.~~

~~8.—If a director or member of his immediate family has had a previous license revoked, refused, or denied, upon re-application, the applicant shall provide written evidence that the reason for such revocation, refusal or denial no longer exists. A licensing survey will then be conducted to verify that the reasons for revocation, refusal, or denial have been corrected and the director and/or center is in substantial compliance with all minimum standards.~~

~~9.—A license shall apply only to the location stated on the application and such license, once issued, shall not be transferable from one person to another or from one location to another. If the location or ownership of the facility is changed, the license shall be automatically revoked. A new application form shall be completed prior to all changes of ownership or location.~~

~~B.—Fees~~

~~1.—An initial application fee of \$25 shall be submitted with all initial applications, including all church owned and operated centers. This fee will be applied toward the~~

~~total licensure fee, which is due prior to licensure of center. This fee is to be paid by all initial and change of location providers. The full licensure fee shall be paid on all changes of ownership. All fees shall be paid by certified check or money order only and are nonrefundable.~~

~~2. Annual licensure fees are required prior to issuance or renewal of the license. (However, child care facilities or agencies licensed as a Class "B" facility and owned or operated by a church or religious organization are exempt from license fees.) License fee schedules (based on capacity) are listed below.~~

<b>License Fee Schedules</b>	
<b>Capacity</b>	<b>Fee</b>
<del>15 or fewer</del>	<del>\$25</del>
<del>16-50</del>	<del>\$100</del>
<del>51-100</del>	<del>\$175</del>
<del>101 or more</del>	<del>\$250</del>

~~3. Other Licensure Fees:~~

~~a. Twenty-five dollar replacement fee for any center replacing a license when changes to the license are requested by the director, i.e., changes in capacity, name change, age range change. (There is no processing charge when the request coincides with regular renewal of license.)~~

~~b. Five dollar processing fee for issuing a duplicate license with no changes.~~

~~C. Exemptions. The only exemption to licensure is private or public day schools serving children in grades one and above or pre-kindergartens and kindergartens. Also exempt are state certified Montessori schools and camps, as well as all care given without charge.~~

~~D. Licensing Changes. Bureau of Licensing shall be notified before changes are made which might have an effect upon the license (for example, a change in age range of children to be served or a change in space of facility).~~

~~E. Relicensing. The relicensing survey is similar to the original licensing survey.~~

~~1. Renewal applications will be mailed to centers approximately 60 days prior to the expiration for execution. The application shall indicate any changes the center needs to make (example: hours of operation, ages of children, etc.).~~

~~2. Relicensing surveys will be made by the Department of Social Services, Bureau of Licensing, Office of the State Fire Marshal, the Office of Public Health and others as the city fire marshal, zoning (if applicable). Approvals of each must be received by the Department of Social Services, Bureau of Licensing before a new license will be issued. The director will review with the licensing specialist the findings and will be furnished a copy for any necessary action. It is the responsibility of the center owner/director to obtain the approvals before the current license's expiration date.~~

~~3. The Department of Social Services and the Office of the State Fire Marshal must approve any proposed structural changes, ratio adjustments, and variance of space used before changes are made which may affect the center's license.~~

~~4. When a child care provider has been cited during an on-site inspection for violation of a licensing standard which the department deems non-critical, the department shall allow the provider an opportunity to immediately remedy the non-critical area of non-compliance if allowing such immediate correction does not endanger the health, safety, or well-being of any child in care. The remedy shall be included in the documentation noted by the department. The department shall exercise its discretion in determining which areas of the licensing standards are deemed critical under the particular circumstances which caused the deficiency to be cited.~~

~~a. Licensing staff shall cite the non critical deficiencies at the time of the inspection and shall note in the inspection findings whether the deficiency was corrected during the licensing inspection. If all non-critical deficiencies are verified as corrected during the inspection and no critical areas of non-compliance are cited, no follow up inspection is required. If non-critical deficiencies are not verified as corrected during the inspection, or if deficiencies in critical areas are cited, a follow up inspection may be conducted to determine that corrections have been made and maintained in a manner consistent with the licensing standards.~~

~~b. The statement of deficiencies shall be placed on the internet for public viewing unless posting the information violates state or federal law or public policy, and the posted deficiency statements shall note which areas of non-compliance were verified as corrected at the time of the licensing inspection.~~

~~e. Areas of non-critical non-compliance may include but are not limited to posted items, paperwork, children's records, documentation of training, furnishing/equipment, and emergency/evacuation procedures.~~

~~F. Denial, Revocation or Nonrenewal of License. An application for a license may be denied, or a license may be revoked, or renewal thereof 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 of the Department of Social Services promulgated thereunder;~~

~~2. cruelty or indifference to the welfare of the children;~~

~~3. conviction of a felony or any offense of a violent or sexual nature or an offense involving a juvenile victim, as shown by a certified copy of the record of the court of conviction, of the applicant;~~

~~a. or, if the applicant is a firm or corporation, any of its board members or officers;~~

~~b. or of the person designated to manage or supervise the center;~~

~~4. history of noncompliance;~~

~~5. disapproval from any agency whose approval is required for licensure;~~

~~6. nonpayment of licensure fee and/or failure to submit application for renewal prior to the expiration of the current license;~~

~~7. any validated instance of 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 center;~~

~~8. the center is closed with no plans for reopening and no means of verifying compliance with minimum standards for licensure;~~

~~9. any proven act of fraud such as falsifying or altering document(s) required for licensure;~~

~~10. center refuses to allow the bureau to perform mandated duties, i.e., denying entrance to the center, lack of cooperation for completion of duties, etc.~~

~~11. 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 until a determination by~~

~~the Risk Evaluation Panel or Division of Administrative Law that the individual does not pose a risk to children;~~

~~12. 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 time frame;~~

~~13. 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;~~

~~14. 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.~~

#### ~~G. Appeal Procedure~~

~~1. 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 notice within 15 days of receipt of the notice of revocation or non-renewal. A prospective provider may appeal the denial of an initial application by submitting a written request to appeal the decision within 30 days of receipt of the notice of denial of application. A request for appeal shall include the specific reasons the provider believes the decision to be erroneous and/or the specific reasons the decision is believed to be incorrect, and mailed to: Department of Social Services, Bureau of Appeals, P.O. Box 2944, Baton Rouge, LA 70821-9118.~~

~~2. The Appeals Bureau shall hold a hearing after receipt of such a request.~~

~~3. Within 90 days after the date the appeal is filed, the Appeals Bureau shall advise the appellant by registered letter of the decision, either affirming or reversing~~

~~the original decision. If the license is refused or revoked, the center shall immediately terminate operation.~~

~~H. Advertising. Any Class "B" facility which advertises the fact that it is licensed under Louisiana law shall clearly indicate in its advertising that it holds a Class "B" license. In printed materials, Class "B" shall be printed in the same size type as the words "licensed" or "license". In broadcast advertising, a facility shall not advertise the fact that it is licensed without indicating in the same advertisement that the kind of license held is a Class "B" license.~~

~~I. Disqualification from Application~~

~~1. Definitions, as used in this Section:~~

~~*Affiliate*~~

~~i. with respect to a partnership, each partner thereof;~~

~~ii. with respect to a corporation, each officer, director and stockholder thereof;~~

~~iii. 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 an officer, director or stockholder, or holds, directly or indirectly, a controlling interest;~~

~~iv. 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~~

~~v. director of any such day care center.~~

~~Department the Department of Social Services.~~

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

~~*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.~~

~~*Facility* any place, program, facility or agency operated or required by law to operate under a license, including facilities owned or operated by any governmental, profit, nonprofit, private, or church agency.~~

~~*License*~~

~~i. any license issued by the department to operate any child care facility or child placing agency as defined in R.S. 46:1403;~~

~~ii. any license issued by the department to operate any adult residential care facility as defined in R.S. 40:2153; or~~

~~iii. any license issued by the department to operate any transitional youth residence as defined in R.S. 46:1453.~~

~~*Provider* all owners or operators of a facility, including the director of such facility. If the owner is a corporate entity, the owners are the officers, directors, and shareholders of the facility.~~

~~*Unlicensed Operation* operation of any child care facility or child placing agency, adult residential care facility, or transitional youth residence, at any location, without a valid, current license issued by the department.~~

~~2. Disqualification of Facility and Provider~~

~~a. If a facility's license is revoked or not renewed due to failure to comply with state statutes and licensing rules, the department shall not accept a subsequent application from the provider for that facility or any new facility for a minimum period of two years after the effective date of revocation or non-renewal or a minimum period of two years after all appeal rights have been exhausted, whichever is later (the disqualification period). 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 their designee prior to a decision being made to grant a license. The department reserves the right to determine, at its sole discretion, whether to issue any subsequent license.~~

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

~~c. In addition, if the applicant has had a substantial 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, the department may refuse to accept a subsequent application from that applicant for a minimum period of two years after the effective date of denial.~~

~~d. 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.~~

~~J. Posting of Notices of Revocation. The notice of revocation of the license shall be prominently posted.~~

~~1. The Department of Social Services 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 must remain visible to the parents and guardians of the children who attend the child care facility.~~

~~2. It shall be a violation of these rules for a provider to permit the obliteration or removal of a notice of revocation that has been posted by the department. 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 notify child care licensing in writing immediately if the notice is removed.~~

~~4. Failure to maintain the posted notice of revocation required under these rules shall be grounds for denial, revocation or non-renewal of any future license.~~

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 26:1636 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2771 (December 2007), amended LR 36:335 (February 2010), LR 36:833 (April 2010), repromulgated LR 36:1273 (June 2010), amended LR 36:1279 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section and Economic Stability and Self-Sufficiency Section, LR 36:2521 (November 2010), repromulgated LR 37:513 (February 2011), amended by the

Department of Children and Family Services, Division of Programs, LR 37:814 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:258 (February 2014), effective March 1, 2014, repealed LR 42:

**§7361. General Requirements**

~~A.—The director shall be responsible for ensuring that the minimum licensing requirements are met.~~

~~B.—A current child day care license shall be on display, except for church affiliated centers (R.S. 46:1412.C) that choose to keep the license on file and available upon request.~~

~~C.—A center shall maintain in force at all times current commercial liability insurance for the operation of a center and vehicle (if transportation is provided) to insure medical coverage for children in the event of accident or injury. Documentation shall consist of the insurance policy or current binder that includes the name of the insurance company, policy number, period of coverage and explanation of the coverage.~~

~~D.—Current written report from the Office of State Fire Marshal.~~

~~E.—Current written report from the Office of Public Health.~~

~~F.—Current written report from city fire (if applicable).~~

~~G.—Certificate of Occupancy (zoning) (if applicable).~~

~~H.—Incident log for staff to record any injuries that a child may have upon arrival to the child care center.~~

~~I.—Each person living in a private residence, part of which is used as a child care facility, shall meet the same medical requirements as employed personnel.~~

~~J.—Each child living in a private residence, part of which is a child care facility shall meet the same medical requirements as the children enrolled in the center.~~

~~K. Licensing Surveys; Notice Requirements. In accordance with Act 351 of the 2009 Regular Legislative Session, providers shall prominently post information advising parents or guardians that findings from licensing surveys are available online which includes the current web address and that findings from licensing surveys are also available upon written request to the Department of Social Services.~~

~~L. Influenza Notice to Parents. In accordance with Act 343 of the 2009 Regular Legislative Session, providers shall make available to each child's parent or legal guardian information relative to the risks associated with influenza and the availability, effectiveness, known contraindications and possible side effects of the influenza immunization. This information shall include the causes and symptoms of influenza, the means by which influenza is spread, the places a parent or legal guardian may obtain additional information and where a child may be immunized against influenza. The information shall be updated annually if new information on the disease is available. The information shall be provided annually to each licensed facility by the Department of Social Services and shall be made available to parents or legal guardians prior to November 1 of each year.~~

~~M.1. The director shall report all critical incidents as specified below. For the following critical incidents, immediate notification shall be made to emergency personnel and/or law enforcement, as appropriate. In addition, the child's parent shall be contacted. Once contact or attempted contact has been made to child's parent, the director shall verbally notify Licensing Section Management staff immediately. The verbal report shall be followed by a written report within 24 hours:~~

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

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

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

~~d. any child left unsupervised on the play yard;~~

~~e. use of corporal punishment;~~

~~f. suspected abuse and/or neglect by facility staff;~~

~~g. any child given the wrong medication or an overdose of the correct medication;~~

~~h. leaving any child in a vehicle unsupervised or unsupervised on a field trip;~~

~~i. fire on the child care premises if children are present;~~

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

~~k. any emergency situation that requires sheltering in place;~~

~~l. implementation of facility lock-down procedures, and/or temporarily relocating children;~~

~~m. any loss of power over two hours while children are in care;~~

~~n. an accident involving transportation of children in which children were injured; and/or~~

~~o. a physical altercation between adults in the presence of children on the child care premises.~~

~~2. Director shall ensure that appropriate steps have been taken to ensure the health and safety of the children in~~

~~sheltering in place and/or lock down situations prior to notifying parents and/or Licensing Section management staff.~~

~~3. Within 24 hours or 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:~~

~~a. fire on the child care premises if children not present;~~

~~b. structural damage to the facility; and/or~~

~~c. an accident involving transportation of children in which children were not injured.~~

~~4. The written report to DCFS Licensing Section for critical incidents and reportable incidents shall include the following information:~~

~~a. name of facility;~~

~~b. address of facility;~~

~~c. license number;~~

~~d. contact number;~~

~~e. date of incident;~~

~~f. time of incident;~~

~~g. name of child or children involved;~~

~~h. name of staff involved and other staff present;~~

~~i. description of incident;~~

~~j. date and time of notification to parents (to include attempted contacts), law enforcement, and child welfare (CW), if applicable;~~

~~k. signature of person(s) notifying law enforcement, emergency personnel, CW, and parents;~~

~~l. corrective action taken and/or needed to prevent reoccurrence;~~

~~m. date and signature of staff completing report; and~~

~~n. signature of parent, with date and time of signature.~~

~~5. The director shall contact or attempt to contact a child's parent immediately upon the occurrence of any critical incident as noted in §7361.M.1 or reportable incident as noted in §7361.M.3.c. If the parent cannot be contacted by phone the director shall notify the child's parent verbally at the time the child is picked up from the facility.~~

~~N. The physical presence of a sex offender in, on, or within 1,000 feet of a child day care facility is prohibited. Providers and child care staff shall not permit an individual convicted of a sex offense as defined in R.S. 15:541 physical access to a child day care facility as defined in R.S. 46:1403.~~

~~O. The owner or director of a child day care facility shall be required to call and notify law enforcement agencies and the licensing management staff if a sex offender is on the premises of the child day care facility or within 1,000 feet of the child day care facility. The licensing office shall be contacted immediately. The verbal report shall be followed by a written report.~~

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 26:1638 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2773 (December 2007), amended LR 36:335 (February 2010), amended by the Department of Children and Family Services,

Division of Programs, LR 37:814 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:259 (February 2014), effective March 1, 2014, repealed LR 42:

**§7363.      Transportation**

~~A. — A center that provides transportation of children assumes additional responsibility and liability for the safety of the children.~~

~~B. — Transportation Plan~~

~~1. — If transportation is provided, even on an irregular basis, the center shall have a written statement identifying the type of transportation provided, i.e., to and from home, to and from school, to and from swimming or dancing lessons, field trips, etc.~~

~~2. — If transportation to/from home and/or school is provided the center shall have a written plan that states the following:~~

~~a. — geographical areas served;~~

~~b. — time schedule of the services; and~~

~~c. — fee, if any, for transportation services.~~

~~C. — Transportation Furnished by the Center~~

~~1. — When transportation is provided, the director shall insure that:~~

~~a. — transportation arrangements conform to state laws;~~

~~NOTE: For additional information regarding state laws, contact the Office of Public Safety.~~

~~b. — at least two staff, one of whom may be the driver, shall be in each vehicle unless the vehicle has a communication device and child/staff ratio is met in the vehicle;~~

~~e. at least one staff in each vehicle shall be currently certified in CPR;~~

~~d. children are under the direct supervision of staff at all times. The driver or attendant shall not leave the children unattended in the vehicle at any time while transporting children;~~

~~e. each child shall board the vehicle from the curbside of the street and/or shall be safely escorted across the street;~~

~~f. each child is delivered to a responsible person authorized in writing by the parent;~~

~~g. a designated staff person shall be present when the child is delivered to the center;~~

~~h. good order shall be maintained on the vehicle;~~

~~i. a visual inspection of the vehicle is conducted to verify that no child was left on the vehicle. 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 visual check inspection and sign his or her full name, indicating that no child was left on the vehicle. For daily transportation services, the vehicle shall be inspected at the completion of each trip/route prior to the staff person exiting the vehicle;~~

~~j. the vehicle shall be maintained in good repair; and~~

~~k. the use of tobacco in any form, use of alcohol and possession of illegal substances or unauthorized potentially toxic substances, firearms, pellet or BB guns (loaded or unloaded) in any vehicle while transporting children is prohibited.~~

~~2. Children shall not be transported in the back of a pickup truck.~~

~~3. All drivers and vehicles shall be covered by liability insurance as required by law.~~

~~4. The driver shall hold a valid appropriate Louisiana driver's license.~~

~~5. Each driver or attendant shall be provided with a current master transportation list including each child's name, pick up and drop off locations and authorized persons to whom child may be released.~~

~~6. The center shall maintain a daily transportation attendance record.~~

~~7. The vehicle shall have evidence of a current safety inspection.~~

~~8. There shall be first aid supplies in the vehicle, i.e., Band Aids, peroxide, etc.~~

~~9. There shall be information in each vehicle identifying the center's name, telephone number and address for emergency situations.~~

~~10. A fire extinguisher shall be stored in the vehicle.~~

~~D.1. Field Trips. Whether transportation for field trips is provided by the center, parents, or an outside source, there shall be signed parental authorization for each child to leave the center and to be transported in the vehicle.~~

~~2. A visual inspection of the vehicle is required to ensure that no child was left on the vehicle. 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 visual check inspection and sign his or her full name, indicating that no~~

~~child was left on the vehicle. For field trips, whether facility provided or contracted, the vehicle shall be checked and a face-to-name count conducted prior to leaving facility for destination, when destination is reached, before departing destination for return to facility, and upon return to facility~~

~~E. — Transportation by Contract. When the center contracts with an outside source for transportation, there shall be an agreement on file signed and dated by the director and a representative of the transportation agency stating that all rules for transportation shall be followed as stated in the law and the regulations. The center shall select a transportation agency with a good reputation and reliable drivers.~~

~~F. — In accordance with R.S. 32:295.3.1, a provider may have a child safety alarm installed in any vehicle that has a seating capacity of six or more passengers in addition to the driver. This vehicle has to be owned or operated by the day care center, its owner, operator, or employees and used to transport children to or from the day care center. The child safety alarm is an ignition-based alarm system that voice prompts the driver to inspect the vehicle for children before exiting the vehicle and shall be installed by a person or business that is approved by the manufacturer of the child safety alarm. An owner or director of a day care center who elects to have a child safety alarm installed in a vehicle owned or operated by the day care center shall ensure that the child safety alarm is properly maintained and in good working order each time the vehicle is used for transporting children to or from a day care center.~~

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 26:1638 (August 2000), repromulgated by the Department of Social Services, Office of

Family Support, LR 33:2773 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1207 (May 2012), LR 40:260 (February 2014), effective March 1, 2014, repealed LR 42:

**§7365. Center Staff**

~~A. All center staff includes the director, teachers, child care staff, and any other employees of the center such as the cook, housekeeper, and chauffeur.~~

~~B. All center staff must be at least 18 years of age or older. However, the center may employ a person 16 or 17 years old that works under the direct supervision of a qualified adult staff person.~~

~~C. Personnel Records~~

~~1. Employment Application. There shall be an employment application for each regularly employed and substitute member of the staff. This application shall include the actual date of hire, all pertinent personal information, past work experience, educational background.~~

~~2. References. Center staff shall be known in the community to be of good reputation as verified by at least three non-related reference checks. There shall be on file in the center three letters of reference or documentation that at least three reference were contacted by the director/provider prior to employment.~~

~~3. I-9 Form. A completed I-9 form (U.S. Immigration and Naturalization Service Employment Eligibility Form) required after November 1986.~~

~~4. Criminal Records Check. All paid and unpaid staff persons, substitutes, and foster grandparents shall have documentation of a fingerprint based satisfactory criminal record check (CBC) from Louisiana State Police as required by R.S. 46:51.2. This check shall be obtained prior to the~~

~~individual being hired by or present in the child care facility. No person who has been convicted of, or pled guilty or nolo contendere to any offense included in R.S. 15:587.1, shall be hired by or present in any capacity in any licensed child care facility. CBC shall be dated no earlier than 30 days of the individual's hire date at the facility. If a staff person leaves the employment of the provider for more than 30 calendar days, a new fingerprint based CBC is required prior to the individual being rehired by or present on the child care premises. A criminal background check is satisfactory for purposes of this section if it shows no arrests for any enumerated offense or, if an arrest is shown on the background check, the background check or certified documentation from the jurisdiction of arrest affirmatively shows that the charges were disposed of without a conviction for any excludable offense. A plea of guilty or nolo contendere shall be deemed a conviction.~~

~~a. If an individual applicant has previously obtained a certified copy of their criminal background check obtained from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police such certified copy shall be acceptable as meeting the CBC requirements for employees and/or staff. If an individual provides a certified copy of their criminal background check which he/she has previously obtained from the Louisiana State Police to the provider, this criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. An original certified copy or a photocopy of the certified copy shall be kept on file at the facility in which the individual is currently employed/providing child care services. However, prior to the one year expiration of the certified criminal background check, a new fingerprint based satisfactory criminal background check shall be obtained from~~

~~Louisiana State Police in order for the individual to continue employment/providing child care services at the center. If the clearance is not obtained prior to the one year expiration of the certified criminal background check, the individual is no longer allowed on the child care premises until a clearance is received.~~

~~5.—Criminal Records Check Independent Contractors.~~

~~All independent contractors including therapeutic professionals and extracurricular personnel, e.g. contracted transportation drivers, computer instructors, dance instructors, librarians, tumble bus personnel, speech therapists, licensed health care professionals, state certified teachers employed through a local school board, Louisiana Department of Education (LDE) staff, local school district staff, art instructors, and other outside contractors shall have documentation of a fingerprint based satisfactory criminal record check (CBC) from Louisiana State Police as required by R.S. 46:51.2. This check shall be obtained prior to the individual being present in the child care facility or providing services for the child care facility. No person who has been convicted of, or pled guilty or nolo contendere to any offense included in R.S. 15:587.1, shall be present in any capacity in any licensed child care facility. CBC shall be dated prior to the individual being present on the child care premises. A criminal background check is satisfactory for purposes of this Section if it shows no arrests for any enumerated offense or, if an arrest is shown on the background check, the background check or certified documentation from the jurisdiction of arrest affirmatively shows that the charges were disposed of without a conviction for any excludable offense. A plea of guilty or nolo contendere shall be deemed a conviction.~~

~~a.—If an individual has previously obtained a certified copy of their criminal background check obtained from~~

~~the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police such certified copy shall be acceptable as meeting the CBC requirements for independent contractors. If an individual provides a certified copy of their criminal background check which he/she has previously obtained from the Louisiana State Police to the provider, this criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. An original certified copy or a photocopy of the certified copy shall be kept on file at the facility in which the individual is currently providing child care services. However, prior to the one year expiration of the certified criminal background check, a new fingerprint based satisfactory criminal background check shall be obtained from Louisiana State Police in order for the individual to continue providing child care services at the center. If the clearance is not obtained prior to the one year expiration of the certified criminal background check, the individual is no longer allowed on the child care premises until a clearance is received.~~

~~b. For the first school year that a LDE staff person or local school district staff person provides services to a child at a child care facility, that LDE staff person or local school district staff person shall provide documentation of a fingerprint based satisfactory criminal record check as required by §7365.C.4 or shall provide the original, completed, signed, notarized, DCFS approved affidavit to the provider prior to being present and working with a child or children at the facility. A photocopy of the original affidavit shall be kept on file at the facility. This affidavit will be acceptable for the entire school year noted in the text of the affidavit and expires on May 31 of the current school year. For all subsequent school years following the first year, the LDE staff or local~~

~~school district staff person shall present a new affidavit or an original, completed, and signed letter from the superintendent of the school district or designee or superintendent of LDE or designee. The provider will need to view the original letter presented by the LDE staff or local school district staff person and keep a photocopy of the original letter on file at the facility. This letter will be acceptable for the entire school year noted in the text of the letter and expires on May 31 of the current school year. The letter is acceptable only if the following conditions are met:~~

~~i. the LDE staff person or local school district staff person has remained employed with the same school district as noted in the affidavit the provider has on file;~~

~~ii. the provider has maintained a copy of the affidavit on file; and~~

~~iii. the letter is presented on school district letterhead or LDE letterhead and signed by the superintendent of the school district or designee or superintendent of LDE or designee.~~

~~6. State Central Registry Disclosure. Documentation of a state central registry disclosure form (SCR 1) completed by the staff (paid and/or non paid) as required by R.S. 46:1414.1. This information shall be reported prior to the individual being on the premises of the child care facility, shall be updated annually, at any time upon the request of DCFS, and within 24 hours or no later than the next business day, whichever is sooner, of any staff receiving notice of a justified (valid) finding of child abuse and/or neglect. Any current or prospective employee, or volunteer of 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 and/or neglect of a child, unless there is a finding by the Risk Evaluation Panel or a ruling by the Division of Administrative Law (DAL) that the individual does not pose a risk to children.~~

~~a. The prospective paid and/or non paid staff (employee/volunteer) shall complete, sign, and date the state central registry disclosure form and submit the disclosure form to the owner or operator of the facility.~~

~~i. If a prospective staff (employee/volunteer) discloses that his or her name is currently recorded as a perpetrator on the state central registry, the director shall inform the applicant they will not be considered for employment or volunteer duties at that time due to the state central registry disclosure. The director will provide the prospective employee/volunteer with the state central registry risk evaluation request form (SCR 2) so that a risk assessment evaluation may be requested.~~

~~ii. Individuals are eligible for employment/volunteer services if and when they provide written determination from the Risk Evaluation Panel or the DAL noting that they do not pose a risk to children.~~

~~b. If a current staff receives notice of a justified (valid) finding of child abuse and/or neglect against them, he or she shall complete an updated state central registry disclosure form (SCR 1) noting the existence of the justified (valid) finding as required by R.S. 46:1414.1. This updated SCR 1 shall be submitted to the Licensing Section management staff within 24 hours or no later than the next business day, whichever is sooner, or upon being on the child care premises, whichever is sooner. Staff will have 10 calendar days from completion of the state central registry disclosure form to~~

~~request a risk assessment evaluation in accordance with LAC 67:I.305 or shall be terminated immediately.~~

~~i. If the staff person will no longer be employed at the center, the provider shall immediately submit a signed, dated statement noting the individual's name and termination date.~~

~~ii. Immediately upon receipt of the knowledge that a justified (valid) finding has been issued by DCFS and as a condition of continued employment, the staff person with the justified (valid) finding, when in the presence of children shall be directly supervised by a paid staff (employee) of the facility. The employee responsible for such supervision must have on file a completed state central registry disclosure form indicating that the employee's name does not appear on the state central registry with a justified (valid) finding of abuse and/or neglect, or a determination from either the Risk Evaluation Panel or the DAL that the supervising employee does not pose a risk to children. Under no circumstances may the staff person with the justified finding be left alone and unsupervised with a child or children. The provider shall submit a written statement to Licensing Section management staff acknowledging that the staff person with the justified finding will not be left alone and unsupervised with a child or children pending the disposition by the Risk Evaluation Panel or the DAL that the staff person does not pose a risk to children. When the aforementioned conditions are met, the staff (employee/volunteer) may be counted in child/staff ratio. A person supervised by an employee who does not have a satisfactory disclosure form on file as provided in this subsection shall be deemed to be alone and unsupervised.~~

~~(a). If the Risk Evaluation Panel finds the individual does pose a risk to children and the individual does~~

~~not appeal the finding to DAL within the required timeframe, the staff (employee/volunteer) shall be terminated immediately.~~

~~(b). If the Risk Evaluation Panel finds the individual does pose a risk to children and the individual appeals the finding to the DAL within the required timeframe, the staff (employee/volunteer) shall continue to be under direct supervision while in the presence of children by another paid staff of the facility who has not disclosed that they have a justified (valid) finding on the state central registry until a ruling is made by the DAL that they do not pose a risk to children. Supervision shall not end until receipt of the ruling from the DAL that the employee does not pose a risk to children.~~

~~(c). If the DAL upholds the Risk Evaluation Panel finding that the individual does pose a risk to children, the individual shall be terminated immediately.~~

~~iii. State central registry disclosure forms, documentation of any disposition of the Risk Evaluation Panel and, when applicable, the DAL 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.~~

~~iv. Any information received or knowledge acquired that a current or prospective 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) finding of abuse and/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.~~

~~v. Any state central registry disclosure form, Risk Evaluation Panel finding, and DAL 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/or neglect.~~

~~7. Health Requirements~~

~~a. All center staff shall be required to obtain three months before or within 30 days after beginning work and at least every three years thereafter a written statement from a physician certifying that the individual is in good health and is physically able to care for the children, and is free from infectious and contagious diseases.~~

~~b. At the time of employment, the individual shall have no evidence of active tuberculosis. Tuberculin test result dated within one year prior to offer of employment is acceptable. Staff shall be retested on time schedule as mandated by the Office of Public Health. For additional requirements, refer to Chapter II of State Sanitary Code.~~

~~c. The director or any center staff shall not remain at work if he/she has any sign of a contagious disease.~~

~~d. Substitute workers, temporary employees, or volunteers shall meet the same medical requirements as regularly employed personnel. Refer to substitute and temporary employees as defined.~~

~~8. Job Descriptions. A personnel job description shall be kept on file detailing employee's responsibilities.~~

~~9. Personnel Records. Personnel records shall be kept on file for a minimum of one year after the employee leaves. Health records may be returned to the staff member upon request.~~

~~D. Personnel Training~~

~~1. The provider/director shall plan and implement procedures relating to new staff development. This shall include the following:~~

~~a. provisions for a one day orientation to center policies and practices;~~

~~b. health and safety procedures; and~~

~~c. four days of supervised working with children;~~

~~d. documentation of orientation shall consist of a statement in the employee's record signed by the employee and director attesting to having received such orientation.~~

~~2. Providers/directors shall conduct, at a minimum, one staff training session or meeting each quarter. The training session/meeting should include such matters as program planning, sharing new materials, and discussing center policy.~~

~~Documentation of the training sessions/meetings including date and staff signatures shall be kept on file in the center.~~

~~3. Books, magazines, periodicals, pamphlets and journals relating to child care shall be available to staff.~~

~~Documentation shall consist of observing that these materials are accessible in the facility to the staff.~~

~~4. CPR training for infant and child is required of one half of the current staff on the premises. Documentation will be a copy of the certification card on file at the center.~~

~~a. This training may satisfy the requirement for a staff quarterly training session (§7365.D.2).~~

~~b. Certification will qualify for four "clock hour" training credit toward a new director's requirements.~~

~~(§7369.A.2.a-h)~~

~~5. If a center cares for children eight years and up, at least one staff shall be required to have Adult CPR when those children are present. Documentation will be a copy of the certification card on file at the center.~~

~~6. All staff shall have three continuing education hours annually through attendance at child care workshops or~~

~~conferences, i.e., LAECA, LAPACC, NAEYC, etc., or local physician, dentist, public library, PBS, universities and extension services, etc. This is in addition to the three hours required for health and safety. These hours will be recognized by the bureau without prior approval. The hours shall be documented and kept on file. This documentation shall include number of hours, topic, trainer, staff name, date and signature of the director and/or the trainer.~~

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 26:1639 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2774 (December 2007), amended by the Department of Children and Family Services, Division of Programs, LR 37:815 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:982 (April 2012), LR 40:260 (February 2014), effective March 1, 2014, repealed LR 42:

**§7367. Childrens' Records**

~~A. The center shall have on file and available at all times the following records for each child in care:~~

- ~~1. master card. General information regarding child to include medical history;~~
- ~~2. immunization record;~~
- ~~3. written parental/guardian authorization for release of child to a third party; and~~
- ~~4. written parental/guardian authorization for the center to administer and/or secure emergency medical treatment.~~

~~B. For licensing purposes, children's records shall be kept on file a minimum of one year from the date of discharge from the center.~~

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 26:1640 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2775 (December 2007), repealed LR 42:

**§7369. Personnel**

~~A. Director Qualifications~~

- ~~1. must be at least 21 years of age;~~
- ~~2. must have documentation of at least one of the following:~~
  - ~~a. bachelor's degree from a regionally accredited college or university with at least six credit hours of child development or early childhood education and one year of supervised child care experience in a licensed center or comparable setting;~~
  - ~~b. a Child Development Associate Credential which includes practicum and one year experience in a licensed center;~~
  - ~~c. an Associate of Arts degree in child development or a closely related area and one year of supervised child care experience in a licensed center or a comparable setting;~~
  - ~~d. one year of experience as a director or staff in a licensed child care center plus 12 credit hours in child care child development or early childhood education.~~

~~Fifteen "clock hours" may be substituted for each three credit hours;~~

~~e. diploma from a vocational child care training program approved by the Board of Regents or equivalent plus one year of supervised child care experience in a licensed child care center or comparable setting;~~

~~f. a National Administrator Credential as awarded by the National Child Care Association, and one year experience in a licensed child care center, or comparable setting;~~

~~g. certificate of completion from the International Correspondence School and one year experience in a licensed child care center or comparable setting;~~

~~h. certificate of completion from the Professional Career Development Institute and one year of experience in a licensed child care center or comparable setting.~~

~~3. A comparable setting must be approved by the Bureau.~~

~~4. Licenses issued after September 30, 2000 must meet one of the requirements (§7369.A.2.a-h). All directors employed prior to June 20, 1990 will be exempt from meeting director qualifications. These directors, however, are encouraged to work toward one of these requirements.~~

~~B. Required Center Staff~~

~~1. If the number of children exceeds 42 the director shall be a full time administrator. When the director is not on the premises, there must be an individual designated as responsible for the operation of the center.~~

~~2. If the center does not exceed 42 children as their enrollment, there must be an individual designated as responsible for the operation of the center.~~

~~3. If the director is responsible for more than one center, there must be an individual designated as responsible for the operation of each center.~~

~~4. There shall be provisions for substitute help if the director or any regular employee is absent from the center.~~

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 26:2010 (September 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2775 (December 2007), repealed LR 41:

**§7371. Required Child/Staff Ratios**

~~A. Staff to Child Ratios~~

<b>Class B</b>	
<b>Ages of Children</b>	<b>Child/Staff Ratio</b>
Children under 12 months	6:1
One year old	8:1
Two year old	12:1
Three year old	14:1
Four year old	16:1
Five year old	20:1
Six year old and up	25:1

~~1. Mixed Ages. When the center serves children of mixed ages, excluding children under two years, an average of the staff ratio may be applied.~~

~~2. Staff Involved in Ratio. Only those staff members directly involved in child care and supervision shall be considered in assessing child/staff ratio.~~

~~3. When the number of children in the center exceeds 10, there must be an individual immediately available in case of an emergency.~~

~~4. At naptime, appropriate staffing shall be present within the center to satisfy required child/staff ratio.~~

~~B. The DCFS form noting required child/staff ratios 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 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 26:1641 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2775 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:263 (February 2014), effective March 1, 2014, repealed LR 42:

**§7372. Supervision**

~~A. Children shall be supervised at all times in the facility, on the playground, on field trips, and on non vehicular excursions, including all water activities and water play activities.~~

~~1. Children shall not be left alone in any room, (excluding the restroom as noted in §7372.B) outdoors, or in vehicles, even momentarily, without a staff present.~~

~~2. 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 state how many children are in their care at all times.~~

~~B. Children who are developmentally able may be permitted to go to the restroom on the child care premises independently, provided that:~~

~~1. staff member's proximity to children assures immediate intervention to safeguard a child from harm while in the restroom;~~

~~2. individuals who are not staff members may not enter the facility restroom area while in use by any child other than their own child;~~

~~3. a child five years of age and younger shall be supervised by staff members who are able to hear the child while in the restroom; and~~

~~4. a child six years of age and older may be permitted to go and return from the restroom without staff; however, staff must know the whereabouts of the child at all times.~~

~~C. When children are outside on the play yard, 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 one year 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. 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.~~

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, amended LR 40:1674 (September 2014), repealed LR 42:

**§7373. Physical Plant and Equipment**

~~A. Indoor/Outdoor Space Required. The center shall be used exclusively by the children and center staff during operating hours. Area licensed for use as a child care center shall not be dually licensed.~~

~~1. Indoor Space~~

~~a. There shall be a minimum of indoor space of at least 35 square feet per child. The space shall not include toilet facilities, hallways, lofts, storage or food preparation areas, or offices. Any room counted as play space shall be available for play during play hours. If rooms are used exclusively for dining or sleeping, they cannot be included in the licensed capacity.~~

~~b. There shall be provisions for temporarily isolating a child having or suspected of having a communicable~~

~~disease so he/she can be removed from the other children.~~

~~Movable partitions are permissible so that the space may be used for play when not needed for isolating an ill child.~~

~~e. An area, i.e., bathroom, partitioned area, etc., shall be maintained for the purpose of providing privacy for diapering, dressing and other personal care procedures for children beyond the usual diapering age.~~

## ~~2. Outdoor Play Space~~

~~a. There shall be outdoor play space with direct exit from the center into the outdoor play yard.~~

~~b. The outdoor space shall provide a minimum of 75 square feet for each child in the outdoor play space at any one time. The minimum outdoor play space shall be available for at least one half of the licensed capacity.~~

~~c. The outdoor play space shall be enclosed with a fence or other 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.~~

~~d. Crawlspace and mechanical, electrical, or other hazardous equipment shall be made inaccessible to children.~~

~~e. Areas where there are open cisterns, wells, ditches, fishponds and swimming pools or other bodies of water shall be made inaccessible to children by fencing.~~

~~3. A soft surface shall be provided under climbing apparatus with a potential fall of 4 feet or more to the ground. Soft surface examples are pea gravel, sand, wood chips, sawdust, or mats.~~

## ~~B. Furnishings and Equipment~~

~~1. There shall be a working telephone at the center.~~

~~2. Appropriate emergency numbers shall be posted, such as fire department, police department, and medical facility.~~

~~3. Play equipment of sufficient quantity and variety for indoor and outdoor use shall be provided which is appropriate to the needs of the children as follows:~~

~~a. equipment which encourages active physical play (for example, climbing apparatus, swings, wheel-toys); and~~

~~b. equipment which encourages quiet play or activity (for example, sand clay, crayons, paints, story and picture books, dolls, puzzles, and music).~~

~~4. The equipment shall be maintained in good repair.~~

~~5. The center shall make provisions for storage space within easy reach of the children for the storage of play materials in appropriate play areas. Toy chests with attached lids are prohibited.~~

~~6. There shall be individual spaces for each child's clothing and personal belongings.~~

~~7. Chairs of a suitable size and table space shall be available for each child 2 years or older.~~

~~8. Individual and appropriate sleeping arrangements shall be made available for each child. An individual cot and/or mat of appropriate size, height, and material, sufficient to ensure each child's health and safety, shall be provided. The cot and/or mat shall be of adequate size to ensure that the child's head and feet rest on the mat and/or cot. For programs serving children ages six and above only, individual and appropriate sleeping arrangements shall be made available for a child that requests a rest time.~~

~~9. Smoking shall not be allowed on the child care premises.~~

~~10. A safety approved crib shall be made available for each infant.~~

~~a. Effective December 28, 2012, each crib in use shall meet U.S. Consumer Product Safety Commission (CPSC) requirements for full-size cribs as defined in 16 Code of Federal Regulations (CFR) 1219, or non full-size cribs as defined in 16 CFR 1220.~~

~~b. A crib meets the requirements of this Section if:~~

~~i. the crib has a tracking label which notes that the crib was manufactured on or after June 28, 2011; or~~

~~ii. the provider has a registration card which accompanies the crib and notes that the crib was manufactured on or after June 28, 2011; or~~

~~iii. the provider has obtained a children's product certificate (CPC) certifying the crib as meeting requirements for full-size cribs as defined in 16 Code of Federal Regulations (CFR) 1219, or non full-size cribs as defined in 16 CFR 1220.~~

~~e. A crib that does not meet the requirements of this Section shall be removed from the child care premises no later than December 27, 2012.~~

~~11. Stackable cribs are prohibited.~~

~~12. Each child's sleeping accommodations shall be assigned to him/her on a permanent basis and labeled.~~

~~13. Each crib shall be equipped with a firm mattress and well fitting sheets. Mattresses shall be of standard size so that the mattress fits the crib frame without gaps of more than 1/2 inch. Homemade mattresses are prohibited.~~

~~14. The minimum height from the top of the mattress to the top of the crib rail shall be 20 inches at the highest point.~~

~~15. The mattress support system shall not be easily dislodged from any point of the crib by an upward force from underneath the crib.~~

~~16. Sleeping is prohibited in playpens and/or mesh-sided cribs.~~

~~17. Sheets and coverings shall be changed immediately when soiled or wet.~~

~~18. While in use, cribs, cots, and/or mats shall be placed 18 inches apart.~~

#### ~~C. Safety Regulations~~

~~1. Drugs, poisons, harmful chemicals, all products labeled "Keep out of the reach of children," equipment and tools shall be locked away from the children. Whether a cabinet or an entire room, the storage area must be locked.~~

~~2. Refrigerated medications shall be in a secure container to prevent access by children and avoid contamination of food.~~

~~3. Secure railings shall be provided for:~~

~~a. flights of more than three steps;~~

~~b. porches more than 3 feet from the ground.~~

~~4. Gates shall be provided at the head or foot of each flight of stairs to which children have access.~~

~~5. Accordion gates are prohibited.~~

~~6. First aid supplies shall be available at the day care center. (Suggestions for first aid supplies may be obtained from the Red Cross.)~~

~~7. The center and yard must be clean and free from hazards.~~

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 26:1641 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2776 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:982 (April 2012), amended LR 39:471 (March 2013), repealed LR 42:

**§7375. Admission of Children**

~~A. Admission of children shall include an interview with the parent or guardian to:~~

- ~~1. secure necessary information about the child; and~~
- ~~2. provide a parents' handbook about the center's programs, policies, fees and a basic daily center schedule.~~

~~B. Parents or guardians must be provided with a written description of the center's discipline policy.~~

~~C. Discrimination by child daycare centers on the basis of race, color, creed, sex, national origin, handicapping condition or ancestry is prohibited. A policy shall include this written statement.~~

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 26:1642 (August 2000), repromulgated

by the Department of Social Services, Office of Family Support,  
LR 33:2776 (December 2007), repealed LR 42:

**§7377. Care of Children**

~~A. Nutrition~~

~~1. If the center prepares any meals, well-balanced and nourishing meals shall be made available to children in care.~~

~~a. Children in care for more than four hours shall be provided meals using the four basic food groups (bread, fruits and vegetables, dairy products, protein products) that provide approximately one third to one half of the current Recommended Dietary Allowances of the National Research Council. (See Appendix A).~~

~~b. Additional servings of nutritious food over and above the required daily minimum shall be made available to children as needed if not contradicted by special diets.~~

~~c. To ensure well balanced and nourishing meals, the specified patterns for meals (See Appendix A) shall be referenced.~~

~~2. Milk shall be served to the children at least once a day.~~

~~3. Children in full-time care shall have two snacks and one meal daily.~~

~~4. Weekly menus for meals and snacks shall be posted if the center prepares the food. Substitutions shall be posted on or near the menu.~~

~~5. It is permissible for children to bring their own food to the center.~~

~~6. Bottled formula for infants must be labeled.~~

~~7. If the parent provides the daily meal, parents should be encouraged to prepare meals which are well balanced~~

~~and nutritious but with the understanding that what the parent provides is acceptable.~~

~~8. Infants are to be fed and supervised individually.~~

~~a. Infants shall be held while feeding.~~

~~b. A bottle shall not be propped at any time.~~

~~c. Parents shall supply the center with a schedule of feeding times for their infant.~~

~~9. Drinking water shall be readily available to the children in single service cups or cups that can be sanitized.~~

~~a. Drinking fountains are permissible.~~

~~b. Children shall be offered water at intervals at a minimum of two and one half hours and after each outdoor activity.~~

~~10. Children's food shall be served on individual plates, napkins, paper towels or in cups as appropriate.~~

#### ~~B. Health Service to the Child~~

~~1. No drugs of any type, including aspirin, shall be given by the center personnel unless authorized in writing by the parent. Authorization shall include the name of the child and medication, date(s) to be given, time to be given, dosage, and signature of parent.~~

~~a. Documentation shall be maintained verifying that medication was given according to parent's authorization, including the date, time and signature of the staff member who gave the medication.~~

~~b. All medication shall remain in the original container.~~

~~2. If symptoms of contagious or infectious diseases develop while the child is in care, he/she shall be in supervised isolation away from the other children until a parent~~

~~or designated person has been contacted and the child has been picked up from the center.~~

~~3. Any child who has had a 100°F oral temperature or 101°F rectal temperature reading the last 12 hours is suspect.~~

~~4. Children with the following illnesses or symptoms shall be excluded from the center based on potential contiguousness (communicability) of the disease. Periods may be extended beyond this depending upon individual conditions.~~

<b>Illness/Symptom</b>	<b>Exclude Until</b>
<del>Meningococcal disease (Neisseria meningitis)</del>	<del>Well with proof of noncarriage*</del>
<del>Hib disease (hemophilus)</del>	<del>Well with proof of noncarriage*</del>
<del>Diarrhea (two or more loose stools or over and above what is normal for that child).</del>	<del>Diarrhea resolved or is controlled (Contained in diaper or toilet)</del>
<del>Fever of unknown origin (100°F oral or 101°F rectal or higher) some behavioral signs of illness.</del>	<del>Fever resolved or cleared by child's physician or health department</del>
<del>Chicken pox</del>	<del>Skin lesions (blisters) Scabbed over completely</del>
<del>Hepatitis A</del>	<del>One week after illness started and fever gone</del>
<del>AIDS (or HIV infection)</del>	<del>Until child's health, neurologic development, behavior, and immune status is deemed appropriate (on a case-by-case basis) by</del>

Illness/Symptom	Exclude Until
	qualified persons**, including the child's physician, chosen by the child's parent or guardian and the director
Undiagnosed generalized rash	Well or cleared by child's physician
Any child with a sudden onset of vomiting, irritability, or excessive sleepiness.	Evaluated and cleared by

~~\*Proof of Noncarriage. Either by completion of appropriate drug regimen of Rifampin or by a negative throat culture obtained after completion of treatment for meningitis.~~

~~\*\*These persons include the child's physician and other qualified individuals such as the director, a representative of the state's Office of Public health, and a child development specialist and should be able to evaluate whether the child will receive optimal care in the specific program being considered and whether HIV infected child poses a potential threat to others.~~

~~5. With most other illnesses, children have either already exposed others before becoming obviously ill (i.e., colds), or are not contagious one day after beginning treatment (i.e., strep throat, conjunctivitis, impetigo, ringworm, parasites, head lice, and scabies.)~~

~~6. The parent or designated person shall be notified and incident documented if:~~

- ~~a. child develops symptoms of illness; or~~
- ~~b. suffers a serious accident in child care.~~

~~7. All head injuries shall be reported to parents immediately.~~

~~8. An accident report including incidents shall be maintained detailing accident/incident of child and the action taken by the staff/director.~~

~~C. Daily Program~~

~~1. There shall be a schedule of the day's plan of activities posted in each classroom or center providing for flexibility and changes, as deemed necessary.~~

~~2. The program of activities shall be adhered to with reasonable closeness but shall accommodate and have due regard for individual differences among the children.~~

~~3. The program shall provide time and materials for both vigorous and quiet activity for the children to share or to be alone, indoor and outdoor play and rest. Regular time should be allowed for routines such as washing, lunch, rest, snack and putting away toys. Activity and quiet periods should be alternated so as to guard against over stimulation of the child.~~

~~4. Children shall have a rest period of at least one hour.~~

~~5. While awake, infants and toddlers shall not remain in a crib, a baby bed, or a playpen for more than 30 minutes continuously.~~

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 26:1642 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2777 (December 2007), repealed LR 42:

**§7378. Emergency Preparedness and Evacuation Planning**

~~A. The director, in consultation with appropriate state or local authorities, shall establish and follow a written multi-hazard emergency and evacuation plan to protect children in the event of an emergency. The plan shall include shelter in place, lock down situations, and evacuations with regard to natural disasters, man-made disasters, and attacks while children are in care. The plan shall be appropriate for the area in which the center is located and address any potential disaster due to that particular location. At a minimum, the plan shall be reviewed annually by the director for accuracy and updated as changes occur. Documentation of review by the director shall consist of the director's signature and date. The plan shall be reviewed with all staff at least twice per calendar year. Documentation evidencing that the plan has been reviewed with all staff shall include staff signatures and date reviewed. The plan shall also include information regarding handling children with special needs enrolled in the child care center as well as instructions for handling infants through children age two. The plan shall specifically address the evacuation and transportation of children in wheelchairs. 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 notify the parents or authorized third party release caretakers of children in attendance at the childcare center of the emergency situation. The plan shall include a system to reunify children and parents following an emergency. Parents shall be informed of the details of this emergency plan at the time of enrollment.~~

~~B. The multi hazard emergency and evacuation plan shall include lock down procedures for situations that may result in~~

~~harm to persons inside the child care center, including but not limited to a shooting, hostage incident, intruder, trespassing, disturbance, or any situation deemed harmful at the discretion of the director 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 shall be kept in classrooms or other designated safe locations that are away from the danger. Staff members shall account for children and ensure that no one leaves the classroom/safe area. Staff shall secure center entrances and ensure that no unauthorized individual leaves or enters the center.~~

~~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.~~

~~2. Parent or authorized representative shall be notified of a "lock down" situation at the center no later than at the time of the child's release 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 center 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:~~

- ~~1. list of area emergency phone numbers;~~
- ~~2. list of emergency contact information and emergency medical authorization for all children enrolled;~~

~~3. 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);~~

~~4. first aid kit;~~

~~5. hand sanitizer;~~

~~6. wet wipes;~~

~~7. tissue;~~

~~8. diapers for children enrolled who are not yet potty trained;~~

~~9. plastic bags;~~

~~10. battery powered flashlight;~~

~~11. battery powered radio;~~

~~12. batteries;~~

~~13. food for all ages of children enrolled, including infant food and formula;~~

~~14. disposable cups; and~~

~~15. bottled water.~~

~~E. Provider shall maintain a copy of all records, documents, and computer files necessary for the continued operation of the center following an emergency in a portable file and/or offsite location.~~

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

~~G.1. 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:~~

~~a. date and time of drill;~~

~~b. number of children present;~~

~~c. amount of time to evacuate the center;~~

~~d. problems noted during drill and corrections noted; and~~

~~e. signatures (not initials) of all staff present.~~

~~2. The Licensing Section recommends that at least one fire drill every six months be held at rest time.~~

~~H. 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:~~

~~1. date and time of drill;~~

~~2. number of children present;~~

~~3. problems noted during drill and corrections noted; and~~

~~4. signatures (not initials) of all 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 38:983 (April 2012), repealed LR 42:~~

**§7379. Care for Children during Nighttime Hours**

~~A. The minimum standards for child care centers also apply to centers which provide care after 9 p.m. with the inclusion of the following standards as set forth in this Section.~~

~~1. Any child care center caring for children at night must follow the same requirements for personnel standards as previously stated.~~

~~2. A minimum of one adult shall be present at all times during nighttime care.~~

~~B. In addition, the following standards shall apply.~~

~~1. The adult in charge must remain awake all night and directly supervise the children at all times.~~

~~2. Meals must be served to children who are in the center at the ordinary meal times.~~

~~3. Each child shall have separate sleeping accommodations. These accommodations shall include age appropriate crib, cot with a mat or mattress or bed.~~

~~4. Evening quiet time such as story time, games, and reading shall be provided to each child arriving before bedtime.~~

~~5. No physical restraints shall be used to confine children to bed.~~

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 26:1643 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2778 (December 2007), repealed LR 42:

**§7381. Discipline**

~~A. Each center shall establish a written policy in regard to methods of discipline stating what methods of discipline will and will not occur. This statement must be made available to parents/guardians and licensing personnel.~~

~~B. If corporal punishment is used, the following guidelines are applicable and shall be included in the written discipline policy.~~

~~1. Permission for corporal punishment must be in writing from the parents. Documentation of details of the incident/infraction and punishment administered is required. A copy of the documentation must be kept on file at the child care center and a copy given to the parents.~~

~~2. Parents must be notified by phone before corporal punishment is administered. Documentation of the phone contact must be kept on file.~~

~~3. Written permission for corporal punishment of a child shall not be a preadmission requirement for children to be enrolled in a child care program.~~

~~4. Corporal punishment will not be used on children 24 months and younger.~~

~~5. Any implement other than the open hand shall not be considered as corporal punishment but mistreatment of the child.~~

~~6. Corporal punishment shall only be administered by the director in the form of and not more than three spanks of the open hand on the clothed buttocks of a child older than 24 months of age. A second adult must be present during the administration of the spanking and the spanking must be documented and signed by both adults present.~~

~~C. Cruel, severe, unusual, or unnecessary punishment shall not be inflicted on children.~~

~~D. Derogatory remarks shall not be made in the presence of the children about family members of the children in care or about the children themselves.~~

~~E. No child or group of children shall be allowed to discipline another child.~~

~~F. When a child is removed from the group for disciplinary reasons, he shall never be out of sight of a staff member.~~

~~G. No child shall be deprived of meals or any part of meals for disciplinary reasons.~~

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 26:1644 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2778 (December 2007), repealed LR 42:

**§7383. Abuse and Neglect**

~~A. Any suspected abuse and/or neglect of a child in a child care center must be reported in accordance with Louisiana Revised Statutes 14:403. This statement shall be visibly posted in the center with the local child protection phone number.~~

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 26:1644 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2778 (December 2007), repealed LR 42:

**Subchapter C. Licensing Class "A" Regulations for Day Care Centers Caring for Sick Children**

**§7387. Definitions**

~~Child Day Care Center any place or facility operated by any institution, society, corporation, person or persons, or any other group for the primary purpose of providing care, supervision and guidance of seven or more children under the age~~

~~of 18 years not related to the care giver and unaccompanied by parent or guardian, on a regular basis for at least 20 hours in a continuous seven day week, and in which no individual child remains for more than 24 hours in one continuous stay, shall be known as a full-time day care center.~~

~~*Sick Child* any child who is prohibited from usual participation in a day care center (as defined above) due to discomfort, injury or other symptoms of illness.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1130 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2779 (December 2007), repealed LR 42:

**§7388. Standards**

~~A. The Louisiana Administrative Code, Title 67, Chapter 73, §7301 et seq., which pertain to Class "A" day care licensing regulations, apply to the sick child day care centers as well.~~

~~B. In addition to §7303 regarding application for licensure, any existing facility approved as a day care center that wishes to utilize the facility for sick child care, must submit another application and fee for licensure as a sick day care center. Facilities and/or rooms designated for use by and for sick children shall not be used by children or staff from any other day care component. Children and staff who begin their day in a sick child care center shall remain throughout the day and shall not be permitted to return to any other part of the child care center or transfer to any other child care center.~~

~~C. Facilities receiving approval as a sick child care center that are also approved as a day care center will be issued one license designating licensure for both components.~~

~~The licensee shall ensure that the day care center for sick children is maintained physically separate and apart from the other day care center components. A center licensed for both day care and sick day care must be relicensed for each component. A center licensed for both day care and sick day care may have a license revoked for either or both of the above components according to §7303.D.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1130 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2779 (December 2007), amended LR 35:962 (May 2009), repealed LR 42:

**§7389. Personnel**

~~A.—All personnel shall have verification of current immunizations. (See Appendix A for recommended immunization as dictated by the Office of Public Health.)~~

~~B.—All personnel shall have verification of an annual TB test with negative result.~~

~~C.—In addition to §7309, there shall be a currently licensed nurse practitioner or registered nurse on the premises on the sick day care center at all times. The registered nurse must have documented experience in pediatrics or child care experience and be knowledgeable in communicable diseases and child care licensing requirements.~~

~~D.—Sick day care providers shall utilize the services of a physician consultant as verified by written contract or agreement.~~

~~1.—The consultant shall be used to assist the nurse in the development and annual review of written policies and procedures for the following:~~

~~a. admission, including inclusion/exclusion criteria;~~

~~b. health evaluation procedures on intake including physical assessment of the child and other criteria used to determine the appropriateness of a child's attendance;~~

~~c. plans for health care and managing children with communicable disease;~~

~~d. plans for disease surveillance and problems which arise in the care of children;~~

~~e. plans for staff training and communication with parents and health care providers;~~

~~f. employee health and immunization requirements.~~

~~2. The physician consultant shall provide on-going consultation to the program in its overall operation and the management of illness for individual children.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1131 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2779 (December 2007), amended LR 35:962 (May 2009), repealed LR 42:

**§7390. Training**

~~A. In addition to §7312 regarding staff training and development, all facilities licensed as a sick child care center shall conduct and document 20 hours of orientation training by the registered nurse for each staff member upon employment or within 30 days of employment to include training in each of the following subjects:~~

~~1. first aid and CPR;~~

~~2. general infection control procedures; including:~~

- ~~a. handwashing;~~
- ~~b. handling contaminated items;~~
- ~~c. use of disinfectants;~~
- ~~d. universal precautions;~~

~~3. care of children with common childhood illnesses including:~~

- ~~a. disease transmission;~~
- ~~b. recognition and documentation of illness signs and symptoms;~~
- ~~c. health department notification of reportable diseases;~~
- ~~d. administration of medications;~~
- ~~e. temperature taking;~~
- ~~f. nutrition of sick children;~~
- ~~g. communication with parents of sick children;~~
- ~~h. knowledge of immunization requirements;~~
- ~~i. when and how to call for medical assistance;~~

~~4. child development activities for children who are sick.~~

~~B. An employee who transfers from one facility to another within one year can transfer documented orientation training to the new facility.~~

~~C. Annually, each director and staff member of a sick child care facility shall have at least three contact hours of continuing education related to the care of sick children and the prevention and control of communicable disease. This should be some formal type of training and can represent three hours of the 12 hours already required in Chapter 73, §7311.~~

~~D. In addition, four hours of annual training in general aspects of infection control in child care are to be conducted by the nurse practitioner or registered nurse. Documentation shall consist of the minutes of the training/staff meetings or~~

~~statement signed by both the employee/provider (director, nurse practitioner, etc.) attesting to having received the training. This documentation shall be filed in the employee's personnel record.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1131 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2780 (December 2007), amended LR 35:962 (May 2009), repealed LR 42:

**§7391. Staffing**

~~A. Section 7315 regarding staff/child ratio will not apply to sick child care centers. Facilities approved as a sick child care center shall maintain a staff/child ratio no less than the following.~~

<b>Child's Age</b>	<b>Staff/Child Ratio</b>	<b>Maximum Group Size* Per Room</b>
0-12 month(s)	1:3	3
13-24 months	1:3	6
25-59 months	1:5	10
5-7 years	1:8	8
8-12 years	1:10	10

~~\*NOTE: These numbers may vary according to the specific disease or illness. Final approval will be required by the health department or physician consultant.~~

~~B. The number of qualified medical personnel (licensed practical nurse or registered nurse) required depends on the severity of illness/level of professional care required.~~

~~1. Level 1-Nonacute (mildly sick, recuperating from ear infections, chickenpox, influenza, etc.) one medical personnel per 20-25 children.~~

~~2. Level 2 Acute (recent surgery requiring skilled nursing care, use of apnea blanket, etc.) one medical personnel per 10 children.~~

~~C. When there are mixed age groups, excluding children under 1, the staff/child ratio shall be consistent with the age of the youngest child. Children under the age of 1 shall not be placed in a room with older children.~~

~~D. A caregiver assigned to a specific group of sick children shall remain with those same children throughout the caregiver's workday.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1131 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2780 (December 2007), amended LR 35:962 (May 2009), repealed LR 42:

**§7392. Plant Equipment**

~~A.1. In addition to §7323.A regarding indoor space, a center providing day care for sick children as a component of a licensed center for well children shall use rooms/areas and facilities which are physically separated by floor to ceiling walls from other components of the center. The center shall ensure that all entrances/exits, fixtures, furniture, equipment and supplies designated for use in the care of sick children and for use by the children shall not be shared with or used by any other component of the center.~~

~~2. A single kitchen may be shared by the facilities for sick and well children if the kitchen is staffed by a cook who has no other child care responsibilities.~~

~~B. Children with respiratory illnesses, gastrointestinal illnesses and noninfectious illnesses shall be cared for in a~~

~~separate room from each other to reduce the likelihood of disease transmission between disease cohorts of children by limiting child to child interaction, separating staff responsibilities by disease cohort, and limiting the commingling of supplies, toys and equipment.~~

~~C. Children with chickenpox and measles shall not be admitted for care in a sick child care center unless the care shall take place in a separate room, which is externally ventilated outside of the facility (preferably a positive airflow system) with floor to ceiling walls. There must also be a separate exterior entrance for these children to enter the sick day care center.~~

~~D. For licensing Class A centers caring for sick children only, §7323.B should be omitted and the following inserted. A program for sick day care children shall not be required to have 75 square feet of outdoor space for each child. The program should instead develop a written plan to ensure some opportunities for safe outdoor activities in accordance with §7306.B.~~

~~E. For licensing Class A centers caring for sick children only, in addition to §7325.A regarding available working telephone, the capability of having a three-way conversation on the telephone is required. This regulation allows for the timely and accurate communication between the parent, the child's pediatrician or the physician consultant, and the registered nurse from the sick child care center. Communication with parents and children's physicians should be handled by the registered nurse, licensed practical nurse or management staff only.~~

~~F. For licensing Class A centers caring for sick children only, in addition to §7325 regarding furnishings and equipment, a toilet and handwashing sink shall be present in each child~~

~~care room. All rooms used for diapered children must have a diaper changing area placed adjacent to the handwashing sink.~~

~~G. For licensing Class A centers caring for sick children only, §7325.L and M regarding individual and appropriate sleeping arrangements is amended to omit any reference to use of mats.~~

~~H. For licensing Class A centers caring for sick children only, §7325.R regarding spacing is amended to require 3 feet of space between cribs or cots when in use.~~

~~I. All children in attendance are to be under direct visual observation by program staff at all times.~~

~~J. Children shall have access at all times to rest/nap areas without distraction or disturbance from other activities whenever the child desires.~~

~~K. For licensing Class A centers caring for sick children only, in addition to §7305.D regarding sanitary requirements, the following shall be included:~~

~~1. spills of body fluids (urine, feces, blood or wound drainage) shall be cleaned up immediately as follows:~~

~~a. in general, routine housekeeping procedures using a freshly prepared solution (every 24 hours) of commercially available cleaner (detergents, disinfectant-detergents, or chemical germicides) compatible with most surfaces are satisfactory for cleaning spills of vomitus, urine and feces;~~

~~b. for spills of blood or blood containing body fluids and wound drainage, a freshly prepared solution (every 24 hours) of household bleach (1/4 cup diluted in 1 gallon of water) shall be used to disinfect the area of the spill. Disposable gloves shall be used in these situations;~~

~~c. persons involved in cleaning contaminated surfaces shall avoid exposure of open skin lesions or mucous~~

~~membranes to blood or blood containing body fluids and wound or tissue drainage by using gloves to protect hands when cleaning contaminated surfaces;~~

~~d. hands are to be washed after activities in Subparagraphs a, b or c;~~

~~2. toys which are placed in children's mouths shall be cleaned with water and detergent, disinfected and rinsed before handling by another child. Nonwashable toys shall not be provided by the center. If such toys are brought from home they must be limited to personal use articles that are not shared between children;~~

~~3. single use, disposable cups shall be provided for all children. Disposable plates and eating utensils shall be used unless there is a mechanical dishwasher meeting local sanitation standards.~~

~~L. For licensing Class A centers caring for sick children only, in addition to §7327.I regarding safety requirements, the sick child care center shall have several different sizes of oral airways on hand in case of emergencies.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1132 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2780 (December 2007), amended LR 35:962 (May 2009), repealed LR 42:

**§7393. Admission Policies and Procedures**

~~A. In addition to §7306.A regarding admission of children to the day care center, the sick child care facility shall develop a written procedure prior to initiating services, to obtain necessary medical information to meet health standards, (e.g., immunizations, inclusion/exclusion) and to implement the~~

~~program. This includes the background diagnostic information, health and social history. Information shall be sought on all therapies and treatments being provided to the child along with the expected length and frequency of expected services. The sick child care program shall include a procedure for conducting physical assessments on all children entering the facility. The program shall also institute a policy on the management of children with communicable diseases. These policies must be in compliance with all sick day care center regulations.~~

~~B. Specific disease surveillance policies shall be employed to prevent and control communicable diseases in the sick child care center. Each sick child care center shall have a written policy for reporting certain communicable disease cases to the Office of Public Health and notifying the parents.~~

~~C. The facility's program shall obtain and keep records of the child's immunization and health history, treatments, prescribed medications and any special procedures that the child may require.~~

~~D. The facility's program shall also describe feeding, toileting, active and quiet activities, and special interventions for children with special needs and shall be made available to parents and licensing staff.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1132 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2781 (December 2007), amended LR 35:963 (May 2009), repealed LR 42:

**§7394. Physical Assessment**

~~A. Prior to admission to a sick day care center, the registered nurse shall review the child's condition and medical~~

~~history with the parent to determine if the child is eligible for sick care, the placement of the child and his/her care plan. This should preferably be done by phone to minimize exposure to other children and to eliminate the need for a visit to the facility if ineligible.~~

~~B. If it is determined that the child may be eligible for sick child care, a physical assessment shall be performed by a registered nurse or physician. Physical assessments shall document the following:~~

- ~~1. if child can be admitted to the sick day care center;~~
- ~~2. if child should be referred to a physician;~~
- ~~3. if child has signs of a contagious illness or a more serious illness that is not immediately apparent.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1133 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2781 (December 2007), repealed LR 42:

**§7395. Care of Children**

~~A. For licensing Class A centers caring for sick children only, in addition to §7311.A.4, no staff member with infectious skin lesions which cannot be covered shall be responsible for food handling.~~

~~B. Each meal and/or snack shall be prepared in accordance with the requirements of the physician and the subsequent care plan. Parents are allowed to provide food if this practice is within the facility's approved policies and procedures.~~

~~C. For licensing Class A centers caring for sick children only, §7321 is amended as follows.~~

~~The administration of prescription medicines at the sick child day care center shall be limited to those prescribed by a licensed physician for the individual child in the original container labeled by a pharmacist. Over the counter drugs may be administered with written permission of the parent or guardian in conformity with the policies and procedures established by the physician consultant or the child's physician. All medication (prescription or over the counter) shall be in the original container.~~

~~D. The sick child care facility shall not accept or retain any child for care who displays any of the following signs, symptoms or illnesses:~~

- ~~1. labored breathing;~~
- ~~2. undiagnosed rash;~~
- ~~3. fever of 101°F or greater by rectal standards in any child under three months of age;~~
- ~~4. fever of 101°F or greater by rectal standards in any child under one year of age not seen by a physician;~~
- ~~5. persistent vomiting and/or severe diarrhea;~~
- ~~6. signs of dehydration;~~
- ~~7. untreated lice, scabies, pinworm, ringworms;~~
- ~~8. severe lethargy (drowsiness);~~
- ~~9. symptoms of pertussis such as: whooping cough, spasmodic cough with vomiting or persistent cough with profuse nasopharyngeal secretions not diagnosed by a physician;~~
- ~~10. sore throat accompanied by fever (above 100°F oral) not seen by a physician;~~
- ~~11. undiagnosed stomatitis;~~
- ~~12. fever (100° F oral or 101° F rectal) associated with any one or more of the above symptoms;~~
- ~~13. contagious stage of measles, chicken pox, or mumps unless sick child care facility is expressly set up to~~

~~handle these children according to §7323.A.4. The child with one of these diseases must be able to enter the facility by a separate entrance/exit from the rest of the children:~~

~~14. any other conditions that the nurse practitioner or physician consultant determines should be excluded.~~

~~NOTE: Children with such conditions as specified above may be accepted for sick child care when the evaluation and health assessment conducted by the nurse practitioner or physician consultant results in the determination that the child is not seriously sick.~~

~~E. Children needing post operative convalescent care and children with short term disabilities such as tracheostomy tubes, colostomy, gastronomy tubes or apnea monitors or children with long term disabilities who exhibit illnesses/symptoms for which they are excluded from a day care program for well children may be admitted to a sick day care center if the program can ensure all of the following:~~

~~1. The center has on staff a registered nurse with documented competence to handle a specific disability.~~

~~2. The center has appropriate equipment and staff with documented competence and/or experience in operating the equipment.~~

~~3. The center has, prior to admission, written permission from, the child's physician with specification of any skilled nursing treatment to be provided to the child.~~

~~F. The sick child care center shall be equipped to isolate and care for any sick child who is suspected of having a communicable disease.~~

~~1. The isolation area shall be located to afford easy observation, access and continuous supervision. The child shall be under constant visual observation by staff.~~

~~2. The isolation area shall not be in the kitchen, food preparation or general use toilet area.~~

~~3. In centers that have both a day care and a sick day care component, the isolation area shall be separate from the isolation areas of all other day care center components.~~

~~G. A sick child shall be temporarily isolated if the center determines that the condition of the child becomes worse warranting notification of the parent.~~

~~H. §7321.L is amended for sick child care to read as follows.~~

~~The parent or legal guardian shall be notified immediately of any significant change in a child's behavior or signs of illness. This information and the subsequent notification of parent by phone shall be recorded in writing and filed in the child's record.~~

~~I. For licensing Class A centers caring for sick children only, §7306.B regarding daily program should be deleted. The following should be inserted.~~

~~1. A care plan shall be developed and updated daily for each child in order to establish guidelines for care, to assure that each child is treated as an individual and to assure continuity of care. The care plan shall be completed with the assistance of the child's parent and shall be verified by the parent's signature and date on the plan. The plan of care should consider:~~

~~a. the age and stage of development of the child;~~

~~b. symptoms or illness displayed;~~

~~c. parent's and/or physician's instructions;~~

~~d. observations;~~

~~e. objectives for the child;~~

~~f. activity level.~~

~~2. A variety of planned daily activities shall be designed to meet the needs of the sick children including:~~

~~a. quiet and active indoor and outdoor activities according to the developmental level, ability and physical condition of each child;~~

~~b. individual activities which will not promote interaction for use by children who are in the contagious stages of their disease and by children who are not physically well enough to participate in group activities;~~

~~c. toys and equipment which are disposable or able to be sanitized.~~

~~3. The day care center for sick children shall maintain a chart for each child. The chart should contain such information as the child's care plan, physical assessment, medical history, admission sheet, medication permit and daily health record. The daily health record shall document the child's condition throughout the day and shall include, but not be limited to:~~

~~a. activities such as the child's state of alertness, behavior, complaints, frequency and length of sleep, rest and play;~~

~~b. vital signs temperature, pulse, respiratory rate;~~

~~c. intake amount of food and liquid consumed;~~

~~d. output number of bowel movements (consistency, color, etc.), number of times vomited (describe), number of wet diapers or trips to the bathroom, etc.;~~

~~e. any medications given administration, dosage and times of.~~

~~J. A duplicate copy of the daily health record shall be provided to the parent upon the child's discharge from the sick day care center each day.~~

~~K. A sick child care center shall not provide transportation of children except to a medical facility in cases of medical emergency. Any exceptions to this regulation shall require prior approval by the Department of Social Services and must include added provisions as deemed necessary by the department and approved by the physician consultant. The parent or legal guardian must come to the center to release the child.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1133 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2782 (December 2007), amended LR 35:963 (May 2009), repealed LR 42:

**§7396. Infectious/Medical Waste Disposal**

~~A. Clothing soiled with stool shall not be washed at the center. Soiled clothes shall be put in sealed plastic bags to be picked up by the child's parent or guardian at the end of the day. Only disposable diapers shall be used unless there is a medical contraindication such as allergies.~~

~~B. There are sufficient quantities of facial tissues, paper towels and supplies for handwashing, diapering and cleaning so that they are always available when needed. There are extra linen and mattress covers on hand in case of accidents.~~

~~C. Potentially infectious waste materials (kleenex, diapers, bandages and wound dressings, items soiled with blood, etc.) shall be discarded into sealed plastic bags which can be kept out of the reach of children. Needles, syringes or other "sharps" shall be discarded in break resistant, rigid, puncture resistant containers, the openings of which must be tightly closed prior to storage or transport. The openings shall be~~

~~small enough to prevent an injury resulting from a child sticking his hand into the container. The day care center (known as a small generator of infectious/medical waste) must then transport this container when full to a larger generator (hospital or free-standing clinic) or contract with a licensed hauler.~~

~~NOTE: The day care center may wish to develop an agreement to transport their "sharps" container to the physician consultant's office for further disposal.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1134 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2783 (December 2007), repealed LR 42:

**§7399. Appendix A: Child and Adult Care Food Program**

~~A. The Child Care Food Program of the United States Department of Agriculture is administered locally by state and regional agencies. Interested parties shall apply through the appropriate administering agency in their area. For further information and appropriate referral contact: Child Care and Summer Programs Division, Food and Nutrition Service, United State Department of Agriculture, 3101 Park Center Drive, Room 416, Alexandria, VA 22302, or your State Office.~~

~~B. Each meal served shall contain, as a minimum, the indicated food components:~~

~~1. a breakfast shall contain:~~

~~a. a serving of fluid milk as a beverage or on cereal, or used in part for each purpose;~~

~~b. a serving of vegetable(s) or fruit(s) or full-strength vegetable or fruit juice, or an equivalent quantity of any combination of these foods;~~

~~e. a serving of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made with whole-grain or enriched meal or flour; or a serving of whole-grain or enriched or fortified cereal; or a serving of cooked whole-grain or enriched pasta or noodle products such as macaroni; or cereal grains such as rice, bulgur, or corn grits; or an equivalent quantity of any combination of these foods;~~

~~2. both lunch and supper shall contain:~~

~~a. a serving of fluid milk as a beverage;~~

~~b. a serving of lean meat, poultry or fish; or cheese; or an egg; or cooked dry beans or peas; or peanut butter; or an equivalent quantity of any combination of these foods. These foods shall be served in a main dish, or in a main dish and one other menu item, to meet this requirement. Cooked dry beans or dry peas may be used as the meat alternate or as part of the vegetable/fruit component but not as both food components in the same meal;~~

~~i. nuts and seeds and their butters listed in program guidance are nutritionally comparable to meat or other meat alternates based on available nutritional data. Acorns, chestnuts, and coconuts shall not be used as a meat alternate due to their low protein content. Nut or seed meals or flours may be used as an ingredient in a bread/bread alternate, but shall not be used as meat alternate. As noted, nuts or seeds may be used to meet no more than one half of the meat/meat alternate requirements. Therefore, nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement;~~

~~e. a serving of two or more vegetables or fruits, or a combination of both. Full-strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement;~~

~~d. a serving of whole grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made with whole grain or enriched meal or flour; or a serving of whole grain or enriched pasta or noodle products such as macaroni; or cereal grains such as rice, bulgur, or corn grits; or an equivalent quantity of any combination of these foods.~~

~~2. Supplemental food (snacks) shall be served between other meal types and contain two of the following four components:~~

~~a. a serving of fluid milk as a beverage, or on cereal, or used in part for each purpose;~~

~~b. a serving of meat or meat alternate. Nuts and seeds and their butters listed in program guidance are nutritionally comparable to meat or other meat alternates based on available nutritional data. Acorns, chestnuts, and coconuts are excluded and shall not be used as a meat alternate due to their low protein content. Nut or seed meals or flours shall not be use as meat alternate;~~

~~e. a serving of vegetable(s) or fruit(s) or full strength vegetable or fruit juice, or an equivalent quantity of any combination of these foods. Juice may not be served when milk is served as the only other component;~~

~~d. a serving of whole grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made with whole grain or enriched meal or flour; or a serving of cooked whole grain or enriched pasta or noodle products such as macaroni; or cereal grains such as rice,~~

~~bulgur, or corn grits; or an equivalent quantity of any combination of these foods.~~

~~C. Infant Meal Pattern. Foods within the infant meal pattern shall be of texture and consistency appropriate for the particular age group being served. The total amount of food authorized in the meal patterns set forth below shall be provided to the infant but may be served during a span of time consistent with the infant's eating habits, on a gradual basis with the intent of ensuring their nutritional well being and in accordance with the parent's desires. The infant meal shall contain, at a minimum, each of the following components in the amounts indicated for the appropriate age group.~~

~~1. Birth through 3 months:~~

~~a. breakfast 4-6 fluid ounces of iron fortified infant formula;~~

~~b. lunch or supper 4-6 fluid ounces of iron fortified infant formula;~~

~~c. supplemental food 4-6 fluid ounces of iron fortified infant formula.~~

~~2. 4 months through 7 months:~~

~~a. breakfast 4-8 fluid ounces of iron fortified infant formula and 0-3 tablespoons of iron fortified dry infant cereal (optional);~~

~~b. lunch or supper 4-8 fluid ounces of iron fortified infant formula and 0-3 tablespoons of iron fortified dry infant cereal (optional); and 0-3 tablespoons of fruit or vegetable of appropriate consistency or a combination of both (optional);~~

~~c. supplementary food 4-6 fluid ounces of iron fortified infant formula.~~

~~3. 8 months through 11 months:~~

~~a. — breakfast 6-8 fluid ounces of iron fortified infant formula, or 6-8 ounces of whole fluid milk; 2-4 tablespoons of iron fortified dry infant cereal; and 1-4 tablespoons of fruit or vegetable of appropriate consistency or a combination of both;~~

~~b. — lunch or supper 6-8 fluid ounces of iron fortified infant formula, or 6-8 ounces of whole fluid milk; 2-4 tablespoons of iron fortified dry infant cereal and/or 1-4 tablespoons of meat, fish, poultry, egg yolk, or cooked dry beans or peas, or 1/2-2 ounces (weight) of cheese or 1-4 ounces (weight/volume) of cottage cheese of appropriate consistency; and 1-4 tablespoons of fruit or vegetable of appropriate consistency or a combination of both; and~~

~~c. — supplementary food 2-4 fluid ounces of iron fortified infant formula, whole fluid milk or full strength fruit juice, 0-1/2 slice of crusty bread (optional) or 0-2 cracker type products (optional) made from whole grain or enriched meal or flour that are suitable for an infant for use as a finger food.~~

~~D. — Meal Patterns for Children Age 1 through 12. When children over age one participate, the total amount of food authorized in the meal patterns set forth in the following charts shall be provided.~~

<b>Minimum Amount of Food Components to be Served as Breakfast</b>	<b>Food Components</b>	<b>Ages 1 and 2</b>	<b>Ages 3 to 5</b>	<b>Ages 6 to 12</b>
<b>Milk</b>	Milk, Fluid	1/2 cup	3/4 cup	1 cup
<b>Vegetables and Fruit</b>	Vegetable(s) and/or fruit(s), or	1/4 cup	1/2 cup	1/2 cup
	Full strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s) and juice.	1/4 cup	1/2 cup	1/2 cup
<b>Bread and</b>	Bread, or	1/2	1/2	1 slice

<b>Minimum Amount of Food Components to be Served as Breakfast</b>	<b>Food Components</b>	<b>Ages 1 and 2</b>	<b>Ages 3 to 5</b>	<b>Ages 6 to 12</b>
<b>Bread Alternates*</b>		slice	slice	
	Cornbread, biscuits, rolls, muffins, etc., or	1/2 serving	1/2 serving	1 serving
	Cold dry cereal, or	1/4 cup or 1/2 ounce	1/3 cup or 1/2 ounce	3/4 cup or 1 ounce
	Cooked cereal, or	1/4 cup	1/4 cup	1/2 cup
	Cooked pasta or noodle products, or	1/4 cup	1/4 cup	1/2 cup
	Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternates	1/4 cup	1/4 cup	1/2 cup

\*Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.

<b>Minimum Amount of Food Components to be Served as Lunch or Supper</b>	<b>Food Components</b>	<b>Ages 1 and 2</b>	<b>Ages 3 to 5</b>	<b>Ages 6 to 12</b>
<b>Milk</b>	Milk, Fluid	1/2 cup	3/4 cup	1 cup
<b>Vegetables and Fruit*</b>	Vegetable(s) and/or fruit(s)	1/4 cup total	1/2 cup total	3/4 cup total
<b>Bread and Bread Alternates**</b>	Bread	1/2 slice	1/2 slice	1 slice
	Cornbread, biscuits, rolls, muffins, etc., or	1/2 serving	1/2 serving	1 serving
	Cooked pasta or noodle products, or	1/4 cup	1/4 cup	1/2 cup
	Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternates.	1/4 cup	1/4 cup	1/2 cup
<b>Meat and Meat Alternates***</b>	Lean meat or poultry or fish, or	1 ounce	1 1/2 ounces	2 ounces
	Cheese, or	1 ounce	1 1/2 ounces	2 ounces
	Eggs, or	1 egg	1 egg	1 egg
	Cooked dry beans or peas, or	1/4 cup	3/8 cup	1/2 cup
	Peanut butter or soy nut butter or other nut or seed butters, or	2 tbsp.	3 tbsp.	4 tbsp.

<del>Minimum Amount of Food Components to be Served as Lunch or Supper</del>	<del>Food Components</del>	<del>Ages 1 and 2</del>	<del>Ages 3 to 5</del>	<del>Ages 6 to 12</del>
	<del>Peanuts or nuts and/or seeds, or</del>	<del>1/2 ounce = 50%</del>	<del>3/4 ounce = 50%</del>	<del>1 ounce = 50%</del>
	<del>An equivalent quantity of any combination of the above meat/meat alternate.</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>

~~\*\*Serve 2 or more kinds of vegetable(s) and/or fruit(s).~~

~~Full strength vegetable or fruit juice may be counted to meet not more than 1/2 of this requirement.~~

~~\*\*Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.~~

~~\*\*\*This portion can meet only 1/2 of the total serving of the meat/meat alternate requirements for lunch or supper. Nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement. For determining combinations, 1 ounce of nuts or seeds are equal to 1 ounce of cooked lean meat, poultry, or fish.~~

~~Caution: Children under 6 are at the highest risk of choking. USDA recommends that any nuts and/or seeds to be served to them in a prepared food and be ground or finely chopped.~~

~~**Minimum Amount of Components to be Served as Supplemental (Snack) Food**~~

~~Select two of the following four but juice shall not be served with milk only.~~

	<b>Food Components</b>	<b>Ages 1 and 2</b>	<b>Ages 3 to 5</b>	<b>Ages 6 to 12</b>
<b>Milk</b>	Milk, Fluid	1/2 cup	1/2 cup	1 cup
<b>Vegetables and Fruit</b>	Vegetable(s) and/or fruit(s) (two or more), or	1/2 cup	1/2 cup	3/4 cup
	Full strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s) and juice.	1/2 cup	1/2 cup	3/4 cup
<b>Bread and Bread Alternates*</b>	Bread	1/2 slice	1/2 slice	1 slice
	Cornbread, biscuits, rolls, muffins, etc., or	1/2 serving	1/2 serving	1 serving
	Cold dry cereal, or	1/4 cup or 1/3 ounce	1/3 cup or 1/2 ounce	3/4 cup or 1 ounce
	Cooked cereal, or	1/4 cup	1/4 cup	1/2 cup
	Cooked pasta or noodle product, or	1/4 cup	1/4 cup	1/2 cup
	Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternates.	1/4 cup	1/4 cup	1/2 cup
<b>Meat and Meat Alternates**</b>	Lean meat or poultry or fish, or	1/2 ounce	1/2 ounce	1 ounce
	Cheese, or	1/2 ounce	1/2 ounce	1 ounce
	Eggs, or	1/2 egg	1/2 egg	1 egg
	Cooked dry beans or peas, or	1/8 cup	1/8 cup	1/4 cup
	Peanut butter or soy nut butter or other nut or seed butters, or	1 tbspc.	1 tbspc.	2 tbspc.
	Peanuts or nuts and/or seeds,* or	1/2 ounce	1/2 ounce	1 ounce
	Yogurt, plain, or sweetened and flavored, or	2 ounces or 1/4 cup	2 ounces or 1/4 cup	4 ounces or 1/2 cup
	An equivalent quantity of any combination of meat/meat alternate	_____	_____	_____

\*Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.

\*\*Yogurt may be used as a meat/meat alternative in the snack only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 35:963 (May 2009), repealed LR 42:

**Family Impact Statement**

The proposed rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

The proposed rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

**Small Business Impact Statement**

The proposed rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

**Provider Impact Statement**

The proposed rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

**Public Comments**

All interested persons may submit written comments through, February 25, 2016, to Kim Glapion-Bertrand, Deputy Secretary of Programs, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, LA 70804.

**Public Hearing**

A public hearing on the proposed Rule will be held on February 25, 2016, at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA beginning at 9:00 am. 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

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

Person Preparing Statement:	<u>Angie Badeaux</u>	Department:	<u>Children and Family Services</u>
Phone:	<u>225-342-4350</u>	Office:	<u>Division of Programs</u>
Return Address:	<u>627 N. 4<sup>th</sup> St., P.O. Box 3078 Baton Rouge, LA 70802</u>	Rule Title:	<u>Child Day Care Regulation Repeal</u>
		Date Rule Takes Effect:	<u>April 1, 2016</u>

**SUMMARY**

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

**I. Estimated Implementation Costs (Savings) to State or Local Governmental Units (Summary)**

This rule proposes to repeal LAC, Title 67, Part III, Subpart 21, Chapter 73, Sections 7301-7399.

Pursuant to R.S. 17:407.32, the authority to license child care centers transferred from the Department of Children and Family Services to the Department of Education, effective October 1, 2014. Additionally, pursuant to R.S. 17:407.38, until such time as rules were promulgated by the Board of Elementary and Secondary Education to implement Type I, Type II, and Type III child day care center licenses, child care centers were to continue to follow the rules promulgated by DCFS for the licensure of Class A and Class B child care centers. The Board of Elementary and Secondary Education promulgated such rules effective July 1, 2015; therefore the rules previously referenced in sections 7301 – 7399 will be repealed.

The only cost associated with this proposed rule is the cost of publishing rulemaking. It is anticipated that \$5,325 (all Federal Funds) will be expended in SFY 15-16 for the state’s administrative expense for promulgation of this proposed rule and the final rule.

**II. Estimated Effect on Revenue Collections of State or Local Governmental Units (Summary)**

Implementation of this rule will have no effect on state or local revenue collections.

**III. Estimated Costs and/or Economic Benefits to Directly Affected Persons or Non-Governmental Groups (Summary)**

Implementation of this proposed rule will have no cost or economic benefit to directly affected persons or non-governmental groups.

**IV. Estimated Impact on Competition and Employment (Summary)**

This proposed rule will not have an impact on competition and employment for low-income families.

_____ Signature of Agency Head or Designee	_____ Date	_____ LEGISLATIVE FISCAL OFFICER OR DESIGNEE
_____ Kim Glapion-Bertrand, Deputy Secretary for Programs		
_____ Typed Name and Title of Agency Head		_____ DATE OF SIGNATURE

\_\_\_\_\_  
DCFS Undersecretary