

Louisiana Administrative Code Currentness\_Title 67. Social Services\_Part III . Economic Stability and Self-sufficiency\_Subpart 21. Child Care Licensing\_Chapter 73. Day Care Centers\_Subchapter B. Licensing\_Class “B” Regulations for Child Care Centers

**La. Admin Code. tit. 67, pt. III, § 7355**

**§ 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;
- 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

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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.

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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.

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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

Current through rules published in the Louisiana Register dated August 20, 2014, excluding amendments to Title 22.

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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

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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.

c. 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.

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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.

c. 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

Current through rules published in the Louisiana Register dated August 20, 2014, excluding amendments to Title 22.

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

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



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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.

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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.

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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.

**La. Admin Code. tit. 67, pt. III, § 7357**

**§ 7357. Definitions**

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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.

Current through rules published in the Louisiana Register dated August 20, 2014, excluding amendments to Title 22.

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*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.

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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.

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*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.

**La. Admin Code. tit. 67, pt. III, § 7359**

**§ 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

c. 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:

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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;



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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;

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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.e) Office of State Fire Marshal approval;

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

iv. current (as noted in §7359.A.4.e) 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;

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- 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.

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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.

**License Fee Schedules**

<b>Capacity</b>	<b>Fee</b>
15 or fewer	\$25
16-50	\$100

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51-100	\$175
101 or more	\$250

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.

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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.

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.

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;

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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

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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



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(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.

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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.

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La. Admin Code. tit. 67, pt. III, § 7361

§ 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.

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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;

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- 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;

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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.

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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.

**La. Admin Code. tit. 67, pt. III, § 7363**

**§ 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;

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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;
- c. 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.

Current through rules published in the Louisiana Register dated August 20, 2014, excluding amendments to Title 22.



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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.

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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.

**La. Admin Code. tit. 67, pt. III, § 7365**

**§ 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

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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

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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.

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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 sub-section 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.

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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:

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- 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.

**La. Admin Code. tit. 67, pt. III, § 7367**

**§ 7367. Childrens’ Records**

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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.

**La. Admin Code. tit. 67, pt. III, § 7369**

**§ 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;



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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.

**La. Admin Code. tit. 67, pt. III, § 7371**

**§ 7371. Required Child/Staff Ratios**

**A. Staff to Child Ratios**

**Class 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

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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.

**La. Admin Code. tit. 67, pt. III, § 7372**

**§ 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;

Current through rules published in the Louisiana Register dated August 20, 2014, excluding amendments to Title 22.

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

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

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

H. 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.

La. Admin Code. tit. 67, pt. III, § 7373

§ 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.

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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.

c. 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.

Blue &  
Pale Yellow

## 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).

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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.

c. 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

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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.

**La. Admin Code. tit. 67, pt. III, § 7375**

**§ 7375. Admission of Children**

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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.

**La. Admin Code. tit. 67, pt. III, § 7377**

**§ 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.



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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 degrees F oral temperature or 101 degrees 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 contagiousness (communicability) of the disease. Periods may be extended beyond this depending upon individual conditions.

<b>Illness/Symptom</b>	<b>Exclude Until</b>
Meningococcal disease (Neisseria meningitis)	Well with proof of noncarriage*
Hib disease (hemophilus)	Well with proof of noncarriage*
Diarrhea (two or more loose stools or over and above what is normal for that child).	Diarrhea resolved or is controlled (Contained in diaper or toilet)
Fever of unknown origin (100 degrees F oral or 101 degrees F rectal or higher) some behavioral signs of illness.	Fever resolved or cleared by child’s physician or health department
Chicken pox	Skin lesions (blisters) Scabbed over completely
Hepatitis A	One week after illness started and fever gone
AIDS (or HIV infection)	Until child’s health, neurologic development, behavior, and immune status is deemed appropriate (on a case-by-case basis) by 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 child’s physician

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\*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.

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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.

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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.

#### La. Admin Code. tit. 67, pt. III, § 7378

#### § 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.

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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;

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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.

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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.

**La. Admin Code. tit. 67, pt. III, § 7379**

**§ 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.

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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.

**La. Admin Code. tit. 67, pt. III, § 7381**

**§ 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/infracton 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 spansks 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.

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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.

**La. Admin Code. tit. 67, pt. III, § 7383**

**§ 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.