

## Chapter 73. Day Care Centers

### §7305. GENERAL REQUIREMENTS

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

1. All programs shall operate within the licensed capacity, age ranges or other specific services designated on the license.

B. Provider shall maintain a current email address and notify the Child Care Licensing and Regulatory Section immediately in writing upon a change in such address.

C. Provider shall register the facility's information with the Louisiana State Police Sex Offender Registry Search at [www.lsp.org](http://www.lsp.org). This registration allows the provider to receive updates if/when a sex offender moves within 2 miles of the child care facility. Such knowledge allows the provider to be fully aware of the individuals in close proximity to the facility. Notices of offenders shall be maintained in a place which is accessible to staff for easy viewing.

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

E. The provider shall maintain in force at all times current commercial liability insurance for the operation of a facility to ensure medical coverage for children in the event of

accident or injury while in the care of the provider. The provider is responsible for payment of medical expenses of a child injured while in the provider's care.

1. Documentation shall consist of the insurance policy or current binder that includes the name of the child care facility, physical address of the facility, name of the insurance company, policy number, period of coverage and explanation of the coverage to include the number of children covered under the policy.

2. An accident policy is acceptable in lieu of medical coverage on the commercial general liability policy if the cost of the policy is incurred by the provider.

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

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

H. The provider shall have documentation of safety inspection and approval from the Office of State Fire Marshal.

I. The provider shall have documentation of a safety inspection and approval from the Office of City Fire Department approval (if applicable).

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

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

1. If the record is completed by facility staff, that individual shall write the first and last name of the person to whom the child was released and sign his/her own first and last name.

2. Children who leave and return to the facility during the day shall be signed in/out.

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

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

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

### **7306. POLICIES AND PROCEDURES RELATED TO CHILDREN**

A. The provider shall have a written statement of the child care center's policy and procedure is available to staff and parents and include, but not limited to the: 1.

ages of children accepted;

2. days and hours of operation including the holidays the program is closed;

3. admission policies and criteria;

4. procedure for:

a. receiving and releasing a child from the center,

b. handling illnesses and injuries, including procedures when away from the child care center;

c. storing and administering children's medicines;

d. notifying parents of field trips; and

e. transportation of children;

5. mandatory reporting of child abuse;

6. discipline policy; and

7. disenrollment procedures.

B. All policies shall be available for review by licensing staff.

C. Prior to the child's admission, the director, in consultation with the parent, shall determine that the individual needs of each child can adequately be met by the facility's program and facilities.

D. Written guidelines shall be developed and adhered to regarding biting behavior, treatment of bites, and notification to parents of the children involved. The provider shall keep confidential the name of the child biting.

E. The Provider shall develop and follow a written daily schedule that includes times of planned activities, allowing for flexibility and change.

1. The written, current, daily schedule for each group of children shall be posted in each group's assigned area. If different schedules are used seasonally, the current schedule shall be posted.

2. Activities on the schedule shall be age-appropriate and shall be adhered to with reasonable closeness, but shall accommodate and have due regard for individual needs and differences among the children.

3. The daily schedule shall list times for indoor and outdoor play (weather permitting) that includes activities that support children's social, emotional, physical, language/literacy, cognitive/intellectual and cultural development, meals/snacks, rest time, and other routines such as handwashing and toileting.

4. Indoor and outdoor play shall include periods that incorporate free play, gross motor activities, fine motor activities, vigorous and quiet activities.

5. Children under 2 years shall be provided time and space for physical activity for at least 60 minutes per day.

6. Children two years and older shall be provided 60 minutes of physical activity per day, a combination of both teacher led and free play.

7. Children five years and younger shall have daily rest time of at least one hour. Providers that serve children in half-day programs (up to 5 hours a day) are not required to schedule resting periods for these children.

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

9. If there are daily activities involving electronic devices such as television viewing, movies, games, videos, computers, hand held electronic devices, etc., these activities shall be included on the written daily schedule.

a. Electronic device activities for children under two years of age including but not limited to television viewing, movies, games, videos, computers, hand held electronic devices, etc. shall be prohibited.

b. Time allowed for electronic device activities for children ages two years through five years such as television viewing, games, videos, hand held electronic devices, etc. shall not exceed 30 minutes a day.

c. Programs/movies with violent or adult content (including soap

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

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

e. Time allowed for electronic device activities for children ages six and up such as television viewing, movies, games, videos, computers, hand held electronic devices, etc. shall not exceed one hour a day on a daily basis and 2.5 hours per day on school holidays and/or during the summer months.

#### F. BEHAVIOR GUIDANCE AND MANAGEMENT

1. The provider shall establish and follow a written, posted policy describing all methods of behavior guidance and management that will be used by staff to manage children's behavior.

2. The provider shall ensure that the following are adhered to:

a. No child shall be subject to physical punishment, corporal punishment, verbal abuse or threats. Prohibited actions include but are not limited to yelling, slapping, spanking, yanking, shaking, pinching, requiring a child to exercise, placing a child into uncomfortable positions, exposing a child to extreme temperatures and other measures

producing physical pain, putting anything in a child's mouth, using abusive or profane language including but not limited to telling a child to "shut up", and/or threatening a child with a prohibited action even though there is/was no intent to follow through with the threat.

- b. Cruel, severe, unusual, or unnecessary punishment shall not be inflicted upon children.
- c. Derogatory remarks shall not be made in the presence of children about family members of children in care or about the children themselves.
- d. No child or group of children shall be allowed to discipline another child.
- e. No child shall be deprived of meals or snacks or any part thereof for behavior guidance and management reasons.
- f. Children shall not be restrained by devices, such as high chairs or feeding tables.
- g. Children shall not have active play time withheld as punishment.
- h. Time out, if used, shall take place within sight of the caregiver.
- i. The length of each time out session shall be based on the age of the child and shall not exceed one (1) minute per each year of age of the child.
- j. Time out shall not be used for children under 2 years of age as these children are too young to cognitively understand the consequence.
- k. Any method of behavior guidance and management that violates the spirit of this standard, even though it may not be specifically mentioned as prohibited shall not be used.

G. ABUSE AND NEGLECT

- 1. The provider shall establish and follow a written, posted abuse/neglect

policy which includes the following information:

a. As mandated reporters all facility staff (facility staff, owners, directors) shall report any suspected abuse and/or neglect of a child in accordance with LA R.S. 14:403 to the local Office of Community Services.

b. The provider shall not delay reporting suspected abuse and/or neglect to the local Office of Community Services (OCS) in an attempt to conduct an internal investigation to verify the abuse/neglect allegations.

c. As required by Louisiana law, the provider shall not require any staff, including non paid staff, to report suspected abuse/neglect to the provider and/or management prior to reporting to the Office of Community Services.

d. The local child protection agency's telephone number shall be posted.

#### H. COMPLAINT PROCEDURE

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

Department of Social Services  
Office of Family Support  
Division of Child Care & Early Childhood Education  
Child Care Licensing and Regulatory Section  
P. O. Box 3078, Baton Rouge, LA 70821  
627 North 4<sup>th</sup> Street, 1<sup>st</sup> Floor, Baton Rouge, LA 70802  
(225) 342-9905 Fax: (225) 342-9690

#### I. LICENSING REGULATIONS

1. According to Act 351 of the 2009 Regular Legislative Session, providers shall post information advising parents that licensing surveys are available online and that licensing surveys are also available upon request to DSS. Parents shall be advised that the Class "A" regulations and information on licensed child care facilities are available online at the DSS web site: [www.dss.louisiana.gov](http://www.dss.louisiana.gov). This written notice shall be posted.

J. PARENT VISITATION and INVOLVEMENT POLICY

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

2. The provider shall offer at least three parent involvement opportunities each year. Activities may include, but not limited to, open house, parent education session, parent/staff conference, family pot luck dinner, holiday parties, parent/grandparent's day, week of the young child, carnivals. Provider shall have written documentation of the parent involvement activities.

K. NON-DISCRIMINATION POLICY

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

L. ADHERENCE TO POLICIES

1. In addition to policies required by licensing regulations, the provider shall conform to its own policies and procedures. The Provider's established policies and/or procedures shall not violate the Licensing regulations, state law, or federal law.

**§7307. CHILDREN'S RECORDS**

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

1. child's information form (master card) signed and dated by the parent

listing:

a. the child's name, birth date, sex, date of admission,

b. name of parent(s), child's and parent's home address,

c. telephone numbers where the parents can be reached while the

child is in care,

d. the name and telephone number of a responsible person to

contact in an emergency if parents cannot be located promptly,

e. name and telephone number of child's physician,

f. name and telephone number of the child's dentist,

g. any special concerns such as allergies, chronic illness and any

special needs of the child, if applicable,

h. any special dietary needs or restrictions, food

allergies/intolerances.

2. Written authorization signed and dated by the parent to secure

emergency medical treatment.

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) including

any other child care facilities, transportation services or any person or persons who removes the

child from the facility.

a. A child shall never be released to anyone unless authorized in

writing by the parent.

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

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

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

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

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

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

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

**§7308. RETENTION OF RECORDS**

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

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

C. For licensing purposes, personnel records shall be kept on file a minimum of one

year from termination of employment from the facility.

D. For licensing purposes, staff training certificates and continuing education certificates shall be kept on file for a minimum of five years for currently employed staff.

**§7309. REQUIRED STAFF**

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

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

C. When the number of children present exceeds 40, there shall be an individual present whose job duties consist solely of administrative duties to ensure that staff working with children do not leave the classroom to handle administrative duties.

D. The provider shall have facility staff who are capable of fulfilling the job duties of the position to which they are assigned.

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

F. Child care staff shall be age 18 years or older. The provider may employ persons age 16 or 17; however such persons shall not be counted in the child/staff ratio and shall not be left alone with children. No one under age 16 shall be used as child care staff.

**§7310. PERSONNEL RECORDS/QUALIFICATIONS**

A. At least one staff assigned to a group of children shall provide documentation of a high school diploma or GED. Staff employed as of the effective date of these regulations are not required to meet this standard.

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

1. an application and/or a staff information form with the following information:
  - a. name;
  - b. date of birth;
  - c. address and telephone number;
  - d. previous training/work experience;
  - e. educational background;
  - f. staff's start date; and
  - g. staff's last date of employment and reason for leaving.
2. a copy of a picture ID.
3. documentation of three current, positive reference checks or telephone notes signed and dated. These references shall be obtained from persons not related to the staff person. A letter from the Foster Grandparent agency, signed and dated by the agency representative stating that references were checked and were positive, is acceptable for foster grandparents.
4. a written job description for each position. The job description shall list the specific job duties and responsibilities for each position.

5. a written statement of good health signed by a physician, physician's designee, nurse practitioner or physician assistant). Health statement dated within three months prior to offer of employment or within one month after date of employment is acceptable. A health statement is required every three years. Originals shall be presented upon request.

6. documentation of a satisfactory statewide criminal record check, as required by **R.S. 46:51.2** and R.S.15:587.1. Provider shall receive this clearance prior to the employment of all facility staff, owners, and members of the board of directors. A criminal record clearance is not transferable from one employer to another. No individual with a criminal conviction of a felony, a plea of guilty or nolo contendere of a felony, any offense of a violent or sexual nature, any offense involving drugs, or any offense involving a juvenile victim shall be in a Class "A" child care facility.

B. The following information shall be kept on file for therapeutic professionals and extracurricular personnel, e.g. computer instructor, dance instructor, tumble bus personnel, etc.:

1. documentation of a satisfactory statewide criminal record check, as required by R.S.15:587.1. This clearance shall be on file prior to individual being present in the facility. No individual with a criminal conviction of a felony, a plea of guilty or nolo contendere of a felony, any offense of a violent or sexual nature, any offense involving drugs, or any offense involving a juvenile victim shall be in a Class "A" child care facility.

Note: Individuals employed by the school system may have on file at the facility, a letter from school system administrative staff documenting that a satisfactory criminal record clearance has been obtained through Louisiana State Police.

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

- a. name;
- b. date of visit;
- c. arrival and departure times; and
- d. reason in facility.

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

- 1. an application and/or a staff information form with the following:
  - a. name;
  - b. date of birth; and
  - c. address and telephone number;
- 2. job descriptions to include job duties to be performed and name of supervisor;
- 3. documentation of their presence at the facility to include:
  - a. name;
  - b. date of visit;
  - c. arrival and departure times; and
  - d. reason in facility.