



Licensing Section  
Division of Programs  
P. O. Box 3078  
Baton Rouge, LA 70821

(O) 225.342.9905  
(F) 225.342.9690  
[www.dcfsls.gov](http://www.dcfsls.gov)

Bobby Jindal, Governor  
Ruth Johnson, Secretary

November 24, 2010

Dear Child Care Provider:

The Department of Children and Family Services, Division of Programs, Licensing Section is committed to providing protection, safety, and quality care to children in out-of-home care settings. To that end, this will serve as notification that the Department published an Emergency Rule to amend Chapter 73, Day Care Center Class "A" Minimum Standards and Day Care Center Class "B" Minimum Standards. The Emergency Rule was published in the *Louisiana State Register* on November 20, 2010. The Emergency Rule is posted on the DCFS Web site. The Emergency Rule became effective on November 4, 2010. It is imperative that each provider review this information.

Acts 210, 508, 429, and 569 were enacted during the 2009 and 2010 Legislative Sessions of the Louisiana Legislature. Changes have been proposed in licensing requirements that significantly impact the licensing and regulation of child care facilities in order to comply with the new laws. This letter will provide you with information about these changes and the new licensure requirements.

Pursuant to Act 210 of the 2009 Legislative Session, any person that has been convicted of a sex offense as defined in R.S. 15:541, is prohibited from owning, operating, or in any way participating in the governance of a child day care facility. The Act also prohibits any employer from knowingly employing a person convicted of a sex offense as defined in R.S. 15:541, to work or volunteer in a child day care facility.

The law also requires any owner/owners of a child day care facility to provide documentation of a satisfactory criminal record check, as required by R.S. 15:587.1. It is important that this information is submitted with your application for renewal of your license. **If any provider has already submitted an application for license renewal for December or January, please submit a fax cover sheet noting "owner CBC attached", a copy of the first page of the application, and a copy of the owner(s) satisfactory criminal background record(s) to the Licensing Section. If you do not have a copy of the application, provide the name of the facility, the license number, and the name(s) of the owner(s) on a fax cover sheet and submit a copy of the owner(s) satisfactory criminal background record(s) to the Licensing Section. The fax number for the Licensing Section is (225) 342-9690.**

Act 508 of the 2010 Legislative Session, allows for the portability of criminal history information. The new law will allow an individual who applies for a position of supervisory or disciplinary authority over children in a child care facility, or an independent contractor who performs work in a child care facility, to receive a certified copy of his/her criminal history information upon written request to the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police. The certified copy of the criminal background check may be accepted by a prospective employer and shall



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be deemed to satisfy the requirements of R.S. 15:587.1 for each facility requesting criminal history information for a period of one year from the date of issuance of the certified copy.

An independent contractor is considered any person who renders professional, therapeutic, or enrichment services such as educational consulting, athletic, or artistic services within a child care facility, whose services are not integral to either the operation of the child care facility or to the care and supervision of children. Independent contractors may include but are not limited to dance instructors, gymnastic or sports instructors, computer instructors, speech therapists, licensed health care professionals, state-certified teachers employed through a local school board, art instructors, and other outside contractors.

The provider is required to only accept the **original certified copy** of the criminal history information from an individual that applies for a position of supervisory or disciplinary authority over children in a child care facility, or an independent contractor who performs work in a child care facility. After viewing the **original certified copy**, a photocopy of the document shall be kept on file for the individual at all times, and shall be available for review upon request of licensing staff.

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

It is very important that you routinely access the Department's web site for new licensing information and updates from the DCFS Licensing Section. You can also register your facility's e-mail address to receive updated information. In order to access the Emergency Rule go to the DCFS Web site at [www.dcss.louisiana.gov](http://www.dcss.louisiana.gov) and select Service Providers. The information will be located under the section for Child Care Providers.

If you have any questions regarding this information, contact a Licensing Manager at (225) 342-9905.

Sincerely,



Angie Badeaux  
Licensing Section

