Title 28
EDUCATION

Part CLXVII. Louisiana Early Childhood Care and Education Network

Chapter 1. General Provisions

§103. Definitions

* * *

At-Risk—children are considered at-risk if ~~their family income is at or below 185 percent of the federal poverty level according to the United States Department of Agriculture, or if they are in foster care, or they are English language learners, or they are experiencing homelessness,~~ they have any of the characteristics listed in the definition of "economically disadvantaged" found in Title 28, Part 1 of the Louisiana Administrative Code or they meet the definition of an "infant or toddler with a disability" found in 34 CFR §303.21 for children ages birth to three years or a "child with a disability" found in 34 CFR §300.8 for children ages 3 and older.

* * *

EarlySteps Program—program administered by the Louisiana Department of Health ~~and Hospitals~~ that provides early intervention services for infants and toddlers with disabilities ages birth to three years and their families according to the requirements of the Individuals with Disabilities Education Act (IDEA), part C.

* * *

Individuals with Disabilities Education Act (IDEA), Part C—federal program administered by the Louisiana Department of Health ~~and Hospitals~~ that provides early intervention services for infants and toddlers with disabilities ages birth to three years and their families to meet the developmental needs as identified by the individualized family services plan. See *EarlySteps Program*.

* * *

~~*Learning Year*—the 2015-2016 school year shall be a learning year for the early childhood care and education network.~~

* * *

NSECD—~~n~~Nonpublic ~~s~~School ~~e~~Early ~~c~~Childhood ~~d~~Development ~~p~~Program.

* * *

Publicly-Funded Children—children ages birth to five years who have not yet entered kindergarten that are being served full day with funds from either CCAP, Early Head Start, Head Start, LA 4 Program, NSECD, 8(g) block grant, title 1 of ~~ESEA~~ESSA, other local, state, or federal funds, or IDEA part B in a full day setting.

* * *

Publicly-Funded Early Childhood Care and Education Program—an early learning center-based or school-based organization that is providing early childhood care and education to children ages birth to five years who have not yet entered kindergarten with funds from either CCAP, Early Head Start, Head Start, NSECD, LA 4 Program, 8(g) block grant, title 1 of ~~ESEA~~ESSA or IDEA part B, other local, state, or federal funds, or that is authorized to receive CCAP, or that participates in the quality start child care rating system.

Publicly-Funded Early Childhood Care and Education Site—a distinct early learning center-based or school-based location that is providing early childhood care and education to children ages birth to five years who have not yet entered kindergarten in a full-day setting with funds from either CCAP, Early Head Start, Head Start, NSECD, LA 4 Program, 8(g) block grant, title 1 of ~~ESEA~~ESSA or IDEA part B, other local, state, or federal funds, or that is authorized to receive CCAP, or that participates in the quality start child care rating system.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.23 and R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2580 (December 2015), amended LR 43:.

Chapter 3. Early Childhood Care and Education Network

§307. Publicly-Funded Early Childhood Care and Education Programs and Community Networks

A. – A.1.c. …

2. Any publicly-funded program that does not comply with Paragraph ~~A.2~~ A.1 of this Section may be subject to the loss of its public funding.

B. – B.1.f. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:.

§313. Academic Approval for Type III Early Learning Centers

A. – D.2. …

3. Renewal of Academic Approval. Academic approval shall be renewed annually for any non-full-day type III early learning center if the center:

a. has current academic approval; ~~and~~

b. is in compliance with any corrective action plans required by the department in accordance with this Section; and

~~b~~c. has submitted a signed copy of the current annual program partner assurances for non-full-day type III early learning centers to the department prior to July 1, or as requested by the department, whichever occurs earlier.

E. - F.1.a.i.(c).

ii. all lead teachers at the center ~~have~~:

(a). have an early childhood ancillary certificate or other traditional teaching certification issued by the BESE; or

(b). are in the process of completing training that will lead to the early childhood ancillary certificate and will have obtained an early childhood ancillary certificate by BESE within 24 months of the state date as a lead teacher.

iii. a minimum of 20 hours a week of care for every classroom providing full day care in a publicly-funded site will be provided by a lead teacher or lead teachers that:

(a). have an early childhood ancillary certificate or other traditional teaching certification issued by BESE; or

(b). are in the process of completing training that will lead to the early childhood ancillary certificate and will have obtained an early childhood ancillary certificate issued by BESE within 24 months of start date as a lead teacher.

2. …

~~G. Renewal of Academic Approval for Full-Day Type III Early Learning Centers for the Fiscal Year 2017-2018~~

~~1. Academic approval shall be renewed annually for fiscal years 2016-2017 and 2017-2018 for any full-day type III early learning center that:~~

~~a. has current academic approval;~~

~~b. is in compliance with the provisions of this bulletin; and~~

~~c. has submitted a signed copy of the current annual program partner assurances for full-day type III early learning centers to the department, and is thereby agreeing to comply with the provisions of this bulletin, which include:~~

~~i. membership in the corresponding community network, as provided in Chapter 3;~~

~~ii. participation in the early childhood care and education accountability system, as provided in Chapter 5; and~~

~~iii. participation in the coordinated enrollment process, as provided in Chapter 7.~~

~~2. full-day type III early learning centers shall annually submit a signed copy of the annual program partner assurances for full-day type III early learning centers to the department prior to July 1, or as requested by the department, whichever occurs earlier.~~

~~H~~G. …

~~I~~H. Renewal of Academic Approval for Full-Day Type III Early Learning Centers for Fiscal Years 2019-2020 and Beyond

1. Academic approval shall be renewed annually for fiscal years ~~2018-2019~~ 2019-2020 and beyond for any full-day type III early learning center that:

a. – d.i.(c) …

ii. all lead teachers at the center ~~have~~:

(a). have an early childhood ancillary certificate or other traditional teaching certificate issued by BESE; or

(b). …

iii. a minimum of 20 hours a week of care for every classroom providing full day care in a publicly-funded site will be provided by a lead teacher or lead teachers that:

(a). have an early childhood ancillary certificate or other traditional teaching certificate issued by BESE; or

(b). are in the process of completing training that will lead to the early childhood ancillary certificate and will have obtained an early childhood ancillary certificate issued by BESE within 24 months of start date as a lead teacher.

2. …

~~J~~I. …

~~K~~J. …

~~L~~K. …

~~M~~L.…

~~N~~M. …

~~O~~N. Denial, Termination or Refusal to Renew Academic Approval

1. – 1.c. …

d. failure to timely submit a signed copy of the annual program partner assurances; ~~or~~

e. two unsatisfactory performance ratings within any consecutive three school years; or

f. failure to participate in the early childhood school or center improvement planning process, as required by Section 512 of this bulletin.

2. …

~~P~~O. Appeal Procedure

1. – 6. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.36(C) and R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2584 (December 2015), amended LR 42:1871 (November 2016), LR 43:2129 (November 2017).

Chapter 5. Early Childhood Care and Education Accountability System

§503. Coordinated Observation Plan and Observation Requirements

A. …

B. *CLASS*® Observation Requirements

1. A *CLASS*® observation is an observation of the typical experiences of children in a classroom using the appropriate toddler or PreK *CLASS*® using all domains, typically occurring during the morning, in which a reliable observer conducts four 20-minute cycles of observation and note-taking followed by at least 10 minutes of scoring after each observation cycle.

2. – 3.c. …

d. Infant Classrooms

i. For the 2018-2019 school year, all infant classrooms in a publicly-funded site shall be reported to the department as part of the community network's count of classrooms, and may conduct or allow local or third party observations as practice.

ii. For the 2019-2020 school year, all infant classrooms in a publicly-funded site shall receive two *CLASS*® observations during the school year conducted by the community network, but the observations shall not be included in the performance ratings for the 2019-2020 school year.

(a). One observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

(b). *CLASS*® observations conducted by third-party contractors hired by the department shall not count towards this requirement.

iii. For the 2020-2021 school year and beyond, all infant classrooms in a publicly-funded site shall receive two *CLASS*® observations during the school year conducted by the community network.

(a). One observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

(b). *CLASS*® observations conducted by third-party contractors hired by the department shall not count towards this requirement.

4. Use of Infant, Toddler, or PreK *CLASS*®. Classrooms shall be observed with the same *CLASS*® throughout the school year based on the composition of the classroom when the observation plan required in §503.C is submitted according to the following:

a. a classroom that only has infant children or a classroom that has a mix of infant and toddler children in which a majority are infant children shall ~~not~~ be observed with the infant *CLASS*®;

b. a classroom that has all toddler children or a classroom that has a mix of infant and toddler children in which the majority or at least half are toddler children shall be observed with the toddler *CLASS*®;

c. a classroom that has all PreK children or a classroom that has a mix of toddler and PreK children in which the majority or at least half are PreK children shall be observed with the PreK *CLASS*®.

d. a classroom that has a mix of PreK and Kindergarten age children shall be observed using the PreK *CLASS*® when either the majority of tha class is PreK or if the classroom receives early childhood funding;

e. a classroom that is a mix of infant, toddler, and PreK children shall be observed using the tool appropriate for the majority of the class. If there is a no clear majority among the three age groups, the toddler tool shall be used.

5. – 5.b. …

c. ~~After two observation periods~~At the end of the school year, for observations conducted by a community network observer that have been compared to domain-level results conducted by the department's third-party contractors within the same community network, if 50 percent or more of the domain-level results are different by more than one point for the community network observer over the course of the school year, the department may determine that the community network observer shall not be able to conduct observations for that community network for the next observation period.

i. – v. …

d. …

C. Coordinated Observation Plan

1. Local Protocol. Each community network shall develop and maintain, no later than September 30 of each year, a written ~~annual plan~~ local protocol for coordinated observation using *CLASS*® that at a minimum includes:

a. …

~~b. the total number and the location of toddler and PreK classrooms that must be observed;~~

~~c. an observation schedule that includes two observations for each toddler and PreK classroom identified in Subparagraph B.3.b of this Section, with one observation scheduled during the fall observation period and one during the spring observation period; and~~

~~d~~b. a plan to ensure reliable data that includes the following requirements:

i. – iv. …

2. Observation Schedule

a. In 2018-2019, each community network shall submit an observation schedule that includes two observations for each toddler and PreK classroom identified in Paragraph B.3 of this Section.

b. In 2019-2020 and beyond, each community network shall submit an observation schedule that includes two observations for each infant, toddler, and PreK classroom identified in Paragraph B.3.b, with one observation scheduled during the fall observation period and one during the spring observation period.

3. Submission of Observation Schedules

a. For the fall observation period, the observation schedule must be submitted to the department by October 1 unless otherwise specified by the department.

b. For the spring observation period, the observation schedule must be submitted to the department by February 1 unless otherwise specified by the department.

c. Lead agencies may alter these schedules after submission as required by local circumstances, or in order to complete local observations around the same time as third party observations.

D. – E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2586 (December 2015), amended LR 42:1872 (November 2016), LR 43:2131 (November 2017).

~~§507. Performance Profile Implementation Timeline~~

~~A. The 2015-2016 school year shall be an learning year for publicly-funded sites and community networks.~~

~~1. A learning year is a year in which there are no consequences on publicly-funded sites or community networks as a result of their performance profile.~~

~~2. Performance profiles for the 2015-2016 learning year shall clearly indicate that the performance profile is practice and is from a learning year.~~

~~B. Every publicly-funded site, except those that begin operating after October 1, and every community network shall participate in the accountability system for the 2015-2016 learning year and shall receive a practice performance profile as provided in §501.~~

~~1. Type III early learning centers that do not participate in the accountability system may have their academic approval terminated.~~

~~2. All other publicly-funded sites that do not participate in the accountability system may be subject to the loss of public funding.~~

~~C. The 2016-2017 school year shall be the first school year in which publicly-funded sites and community networks are accountable for the performance rating earned.~~

~~D. Prior to the start of the 2016-2017 school year, BESE shall review this Chapter and revise as necessary based on learnings from the 2015-2016 learning year.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2587 (December 2015).

§509. Performance Rating Calculations for Publicly-Funded Sites

A. Performance Rating.

1. For the 2018-2019 and 2019-2020 school years, t~~T~~he performance rating for each publicly-funded site shall be based on the average of the dimension-level toddler and PreK observation results from the fall and spring observation periods for all toddler and PreK classrooms within the site, excluding the negative climate dimension.

2. For 2020-2021 school year and beyond, the performance rating for each publicly-funded site shall be based on the average of the dimension-level infant, toddler, and PreK observation results from the fall and spring observation periods for all infant, toddler, and PreK classrooms within the site, excluding the negative climate dimensions.

~~1~~3. …

~~2~~4. …

B. – B.3 …

C. …

1. – 2. …

~~a. For the 2015-2016 learning year, if the observation results conducted by community networks are consistently different by more than one point from observation results conducted by the department's third-party contractors, the department may replace all of the community network's observation results for a publicly-funded site with the results from the department's third-party contractors, including those results that do not differ by at least one point.~~

~~b~~a. …

D. The performance rating for each site shall be based on the following numerical scale:

1. 6.0-7.0—excellent;

2. 5.25-5.99—high proficient;

~~2~~3. 4.50-~~5.99~~5.24—proficient;

~~3~~4. 3.0-4.49—approaching proficient;

~~4~~5. 1.0-2.99—unsatisfactory.

E. – G… …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2587 (December 2015), amended LR 42:1873 (November 2016), LR 44:.

§511. Performance Rating Calculations for Community Networks

A. – B.2.b. …

~~i. For the 2015-2016 learning year, if the observation results conducted by a community network are consistently different by more than one point from observation results conducted by the department's third-party contractor, the department may replace all of the community network's observation results for a publicly-funded site with the results from the department's third-party contractor for that site, including those results that do not differ by at least one point.~~

~~ii~~i. …

C. The equitable access score performance rating shall be determined by calculating the access achieved by the community network for all at-risk four-year-old children in the community network coverage area. Points are earned on a four-level rating scale according to:

Percentage of At-Risk Four-Year-Olds Served	Rating
95~~0~~-100 percent	Excellent
85-94.99 percent	High Proficient
75-84.99~~80-89.99~~ percent	Proficient
65-74.99~~70-79.99~~ percent	Approaching Proficient
0-64~~9~~.99 percent	Unsatisfactory

D. The *CLASS*® observation results performance rating for each community network shall be based on the following numerical scale:

1. 6.0-7.0—excellent;

2. 5.25-5.99—high proficient;

~~2~~3. 4.50-~~5.99~~5.24—proficient;

~~3~~4. 3.0-4.49—approaching proficient;

~~4~~5. 1.0-2.99—unsatisfactory.

E. – H. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2588 (December 2015), amended LR 42:1874 (November 2016).

§512. Performance Ratings for Publicly-Funded Sites

A. – A.3 …

B. Early Childhood School or Center Improvement Planning Process

1. Beginning with the 2018-2019 school year, publicly-funded sites rated below 3.75 for the previous year shall participate in an early childhood school or center improvement planning process. At a minimum, sites must:

a. develop and submit a plan for school or center improvement in consultation with the department;

b. implement the plan for school or center improvement and allow for regular monitoring of implementation by the department; and

c. provide any reports or information related to the plan for school or center improvement as requested by the department.

~~B~~C. …

1. - 2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:1874 (November 2016), . amended LR:44.

§515. Reporting for the Accountability System

A. – A.4 …

B. Publicly-funded sites shall report to the department by October 31 for all classrooms in existence on October 1 and by February 28 for classrooms opened between October 1 and February 1, in the manner specified by the department, the following:

1. – 2. …

3. credential and certification status of ~~each~~ one lead teacher per classroom; and

4. …

C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2589 (December 2015), amended LR 42:1875 (November 2016).

§517. Data Verification

A. – B.3. …

4. Data corrections for *CLASS*® scores may only be submitted for the following reasons:

B.4.a. – D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2590 (December 2015), amended LR 42:1876 (November 2016), LR 44:.

§523. Disaster Consideration for Programs and Community Networks

A. – B. …

C. Severe impact sites and severe impact community networks may qualify for a waiver for up to one school year from participation in the accountability system.

1. A severe impact site or severe impact community network that is not open or operational for at least one of the observation periods during the school year may qualify for a waiver from participation in the accountability system for up to that one observation period.

2. A severe impact site or severe impact community network that is not open or operational during both observation periods during the school year in which the disaster occurred may qualify for a waiver for the school year.

~~1~~3. BESE shall not issue a performance profile for any severe impact site or severe impact community network that is not open or operational during both observation periods of ~~for~~ the school year in which the disaster occurred unless the site or community network requests that the performance profile be issued. BESE may extend such site or community network' performance rating and score from the previous year.

~~2. BESE shall not include severe impact site accountability system results in the performance profile for a community network that does not meet the severe impact criteria but has severe impact sites.~~

D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2591 (December 2015), LR 44:.

Chapter 7. Coordinated Enrollment

§703. Coordinated Enrollment Process

A. – G.4 …

5. Written notice of the process ~~in~~ outlined in Paragraph 2 of this Subsection, as well as of the complaint process described in LAC 28:XCI.311.A-F, and the appropriate contact information for the department, shall be made available to any parent or caregiver.

H. Community networks shall determine preliminary eligibility for families interested in CCAP during the coordinated eligibility determination as provided in §703.B.2, and the department shall determine final eligibility for CCAP.

I. Prior to the start of the school year, BESE shall review this Chapter and revise as necessary based on learnings from the previous year. A work group of the Early Childhood Care and Education Advisory Council shall be formed to study the effectiveness of the coordinated enrollment process and make recommendations to the council and BESE for changes for implementation in the following school year. This research may include, but not be limited to, defining key indicators of effectiveness, conducting focus groups of all provider types, reviewing data on the placement of new early childhood seats opened statewide, and reviewing other available information. The department, with assent shown by vote of the Advisory Council, may decide in a given year that no review is needed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq., and R.S. 17:407.91 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2591 (December 2015), amended LR 42:1876 (November 2016).

~~§705. Implementation Timeline~~

~~A. Community networks that began receiving funding prior to January 2015 shall develop and implement all four components of the coordinated enrollment process as defined in §703 during the 2015-2016 school year for use in enrollment that begins with the 2016-2017 school year.~~

~~B. Community networks that began receiving funding on or after January 2015 shall develop and implement all four components of the coordinated enrollment process as defined in §703 during the 2015-2016 and 2016-2017 school years for use in enrollment that begins with the 2017-2018 school year.~~

~~1. Community networks shall establish the coordinated information campaign, coordinated eligibility determination and coordinated application process as defined in §703.B.1-B.3 during the 2015-2016 school year for enrollment that begins with the 2016-2017 school year.~~

~~C. The state superintendent, pursuant to authority delegated by BESE, may grant a community network a one year extension of time to develop and implement the enrollment process.~~

~~1. Any community network that began receiving funding prior to January 2015 requesting an extension of time shall submit a written request to the department no later than December 1, 2015.~~

~~2. Any community network that began receiving funding on or after January 2015 requesting an extension of time shall submit a written request to the department no later than February 1, 2016.~~

~~3. The request shall include written justification of the need for the extension and an assurance that families will be informed of the enrollment process for all publicly-funded programs in the community network.~~

~~4. The state superintendent, or designee, shall respond in writing to a request within 30 calendar days of receipt of the request.~~

~~D. Community networks shall determine preliminary eligibility for families interested in CCAP during the coordinated eligibility determination as provided in §703.B.2 and the department shall determine final eligibility for CCAP.~~

~~E. Prior to the start of the school year, BESE shall review this Chapter and revise as necessary based on learnings from the previous year. A work group of the Early Childhood Care and Education Advisory Council shall be formed to study the effectiveness of the coordinated enrollment process and make recommendations to the council and BESE for changes for implementation in the following school year. This research may include, but not be limited to, defining key indicators of effectiveness, conducting focus groups of all provider types, reviewing data on the placement of new early childhood seats opened statewide, and reviewing other available information. The department, with assent shown by vote of the Advisory Council, may decide in a given year that no review is needed.~~

~~AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq., and R.S. 17:407.91 et seq.~~

~~HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2592 (December 2015), amended LR 42:1876 (November 2016).~~