## NOTICE OF INTENT

## **Board of Elementary and Secondary Education**

Bulletin 137—Louisiana Early Learning Center Licensing Regulations (LAC 28:CLXI.1903)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXI: in Bulletin 137—Louisiana Early Learning Center Licensing Regulations. The proposed revisions clarify for child care providers the allowance and requirements for minimum usable indoor space per child. Revisions ensure the health and safety of children by requiring the center request and receive approval from the Louisiana Department of Education licensing division and the Office of State Fire Marshal when a minimum of 25 square feet of usable space per child is allocated in spaces specified for use by children four years old and above.

#### Title 28

## **EDUCATION**

# Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations §1903. Physical Environment

- D. Indoor Space
  - 1. A minimum of 35 square feet of usable indoor space shall be available per child.
- a. Effective June 1, 2022, a center may request approval from the Office of State Fire Marshal and the LDE, that for children ages 4 and above, a minimum of 25 square feet of usable indoor space shall be available per child in the specified space for 4 year old and above use only.
- b. The space shall not include toilet facilities, hallways, lofts, storage spaces, stairways, lockers, offices, storage or food preparation areas, rooms used exclusively for dining or sleeping, or rooms used exclusively for the care of ill children.

2. – E.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:637 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 44:256 (February 2018), effective March 1, 2018, effective March 1, 2018, LR 47:1278 (September 2021), LR 48:

## **Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

- 1. Will the proposed Rule affect the stability of the family? No.
- 2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
- 3. Will the proposed Rule affect the functioning of the family? No.
- 4. Will the proposed Rule affect family earnings and family budget? No.
- 5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
- 6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

## **Poverty Impact Statement**

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

- 1. Will the proposed Rule affect the household income, assets, and financial authority? No.
- 2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
- 3. Will the proposed Rule affect employment and workforce development? No.
- 4. Will the proposed Rule affect taxes and tax credits? No.
- 5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No

## **Small Business Statement**

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

## **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

- 1. the staffing level requirements or qualifications required to provide the same level of service;
- 2. the cost to the providers to provide the same level of service; or
- 3. the ability of the provider to provide the same level of service.

## **Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, August 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the

BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis Executive Director

# FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Bulletin 137—Louisiana Early Learning Center Licensing Regulations (LAC 28:CLXI.1903)

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There may be increased workload for the Office of the State Fire Marshal to process applications for increased occupancy; however, this work is considered to have a "minimal scope of work" and no material cost increase is expected. The total increase in workload will depend on the number of child care centers applying for increased occupancy.

The proposed revisions clarify for child care providers the allowance and requirements for minimum usable indoor space per child. Revisions ensure the health and safety of children by requiring the center to request and receive approval from the Louisiana Department of Education licensing division and the Office of State Fire Marshal when a minimum of 25 square feet of usable space per child is allocated in spaces specified for use by children four years old and above.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions may result in increased self-generated revenue for the Office of the State Fire Marshal. Requests for approval of an occupancy increase will require a \$20 fee, as the work is considered "minimal in scope". The total number of requests, and therefore the total revenue increase, is indeterminable.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED, SMALL BUSINESSES, PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed revisions may benefit some child care centers who will be able to serve more children due to the decreased useable indoor space requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux Deputy Superintendent Alan Boxberger Staff Director Legislative Fiscal Office