LOUISIANA DEPARTMENT OF EDUCATION

March 14, 2020

Mrs. Sandy Holloway, President
Louisiana Board of Elementary and Secondary Education
1201 North Third Street
Baton Rouge, LA 70802

President Holloway:

Pursuant to the authority granted to the BESE President in LAC 28: I.305.B. to make ad hoc decisions for the board in times of emergency, and subject to ratification by the board, I am requesting a waiver of BESE rules to support Louisiana local education agencies (LEA) and early childhood centers severely impacted by the recent COVID-19 public health emergency. The length of each waiver is defined below, in order to address the needs of educators, students, and children.

Rules Impacting School Requirements

- Extend all BESE approved Course Choice Provider course catalogues through June 30, 2020
- Bulletin 741
    - §2319 Waive the Career Diploma IBC requirement through August 31, 2020
    - §2314 Instructional minute flexibility waiver for course credit Instructional minutes
    - §333 and §1103 waive annual instructional minutes
- Bulletin 132 §303 Extend the 2019-2020 Course Choice offerings through June 30, 2020
- Bulletin 131 §901 Waive the credit accumulation goals for students enrolled at Alternative Education sites

Rules Impacting Students with Disabilities

- Bulletin 1508 Chapter 5 §511 and Bulletin 1706 Chapter 3, Subchapter B §302: Initial evaluations for special education and related services.
    - Request to extend initial evaluation timeline to within 90 calendar days of receiving parental consent. Extension available solely to initial evaluations due during the school closure period, and initial evaluations due within 15 calendar days of school reopening.
- Bulletin 1508 Chapter7 §705: Developmental Delay
    - Request to extend timeline to complete a reevaluation of students classified with developmental delay, due by their ninth birthday, during the school closure, to 30 calendar days after school reopens.

Rules Impacting Educators

- Bulletin 130, §105, §301: Educator evaluation requirements
    - Waive the requirement relative to two observations and instead accept one observation for the 2019-2020 academic year
- Bulletin 996, §403: Teacher preparation accountability requirements
    - For on-site reviews that were to be conducted during the spring of 2020 and that were cancelled due to COVID-19-related university or school closures, allow the on-site review to be deferred to the fall of 2020 and to be included in the "Learning Phase" quality rating calculation and performance profile
- Bulletins 996, §705, §743, and §745 and Bulletin 746, §201: Student teaching and yearlong residencies
    - For the 2019-2020 academic year, waive completion of 270 hours of student teaching or a yearlong residency and allow BESE-approved teacher preparation providers to recommend initial certification based on completion of coursework as per university policies and mastery of teacher preparation competencies

Rules Impacting Nonpublic Schools and Charter Public Schools

- Bulletin 134, Tuition Donation Credit Program
    - §703. School Tuition Organization Advertising: waive until June 30, 2020, the requirement to conduct one public information session prior to awarding Scholarships
- Bulletin 741, Nonpublic Administration
    - §117. Instructional Time: Waive required instructional minutes through June 30, 2020
    - §901. Attendance: Waive student attendance minutes required to receive grades through June 30, 2020
    - §2102. Carnegie Credit and Credit: Waive instructional minutes required for Carnegie credits through June 30, 2020
    - §2523. Distance Learning: Waive of third party distance learning provider requirements through June 30, 2020

Rules Impacting Early Learning Centers

- The waiver requests within this section allow households to remain eligible despite upcoming expirations and the possibility of their children having to be absent from their center. The requests also allow the LDOE to support Type III centers - and specifically their staff - by continuing to issue CCAP payments despite having potentially lower attendance. This will allow the child care workforce to remain as stable as possible during this time of uncertainty.

- Bulletin 139 §512 (A), Allow the Department to extend the eligibility for child care services to eligible households beyond the 12 month period if the certification period is set to expire between March 13, 2020 and June 01, 2020. This waiver shall remain in effect until June 30, 2020.
- Bulletin 139 §512 (B), Allow the Department to extend the eligibility for child care services to eligible households whose 12 month period for Graduated Phase-Out is set to expire between March 13, 2020 and June 01, 2020. This waiver shall remain in effect until June 30, 2020.
- Bulletin 139 §515 (B)-(D), to allow for the Department to issue payments to providers on behalf of eligible households at the state maximum daily rate for CCAP care, regardless of the number of hours the child is actually in care; to allow for the Department to waive the requirement for eligible CCAP households to pay co-payments; to allow for the Department to issue payment to the providers prior to the child care being provided. This waiver shall remain in effect until June 30, 2020, unless terminated sooner by the Superintendent.
- Bulletin 139 §517 (B), Allow the Department to extend the reporting requirements for CCAP Households from the required 10 days to 90 days. This extension shall remain in effect until June 30, 2020.

- Early Childhood, all early learning centers
  - Bulletin 137 §315. Inspections. Waive the inspection requirements in order to allow the Division of Licensing discretion as to whether or not it is safe and appropriate to inspect an early learning center; while prioritizing complaints that affect the health and safety of children. This waiver shall terminate on April 30, 2020, unless terminated sooner by the Superintendent.
  - Bulletin 137 §707.A.1. Waive fees for initial licensure ($25.00) and for change requests ($25.00) until April 30, 2020.
  - Bulletin 137 §313 and §707.A.2. Waive the full annual license fee for Type III centers until April 30, 2020.
  - Bulletin 137 §711. Renewal Applications (Extend March – May Renewals). Extend license renewal requirements by 90 days if the license is set to expire between March 01, 2020 and May 31, 2020. This extension shall remain in effect until August 31, 2020, unless terminated sooner by the Superintendent.
  - Bulletin 137 §901. Change in Location. Allow the Department to waive the fee for changes in location, and allow the Department to approve of temporary changes in location without making the existing license null and void. This waiver shall terminate on June 30, 2020, unless terminated sooner by the State Superintendent.

- Bulletin 137 §1501. Operations. Waive this requirement to allow for centers to operate beyond the hours, ages, and capacity that was stated on their license. This waiver shall remain in effect until June 30, 2020, unless terminated sooner by the State Superintendent.
- Bulletin 137 §1707(D). Staff. Decrease the staff age requirement from 18 years or older to 16 years of age or older. Allow a person age 16 years or older to be included in the child-to-staff ratio if the person works under the direct supervision of an adult staff member. Effective March 14, 2020 through June 30, 2020, unless terminated sooner by the State Superintendent.
- Bulletin 137 §1711. Child-to-Staff Minimum Ratios and Maximum Group Sizes. This waiver shall only apply to 3 year olds and up and shall terminate on April 30, 2020, unless terminated sooner by the State Superintendent. This flexibility will allow centers to support families despite the possibility of fluctuations in staff.

i.

Minimum Child-to-staff Ratios for Early Learning Centers (effective March 14, 2020 through April 30, 2020, unless terminated sooner by the Superintendent.)	
Ages of Children	**Ratio**
3 years	16:1
4 years	18:1
5 years	24:1
6 years and up	29:1

ii.

Maximum Group Sizes for Early Learning Centers (effective March 14, 2020 through April 30, 2020, unless terminated sooner by the Superintendent.)	
Ages of Children	**Maximum Group Size**
3 years	33
4 years	37
5 years	45
6 years and up	55

- Bulletin 137 §1721. Continuing Education. Continuing education requirements and proof of documentation of requirements shall be waived until June 30, 2020, unless terminated sooner by the State Superintendent.
    - Bulletin 137 §1815.B. and C. Fee for Child Care Criminal Background Check. Waive the $15.00 Department fee for background checks and the $15 fee for out of state applicants until April 30, 2020.
    - Bulletin 139 §313(E), allows the Department to postpone annual monitoring compliance of Public School and BESE-Approved Nonpublic School Child Care Centers. This waiver shall terminate on June 30, 2020, unless terminated sooner by the State Superintendent.
- Early Childhood, child care criminal background checks
    - Bulletin 137 §1807(A)(B) and (C) Bulletin 137 §1715(A)(4) to allow for flexibility in the documentation requirement for child care criminal background checks, the waiver applies only to the underlined language: §1807 A. Owners. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each owner prior to submitting an initial application for licensure and shall provide documentation of said determination for each owner with an initial application for licensure. <u>The center shall have documentation of said determinations available at all times for inspection upon request by the department.</u>

      B. Volunteers and Staff. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each volunteer, staff member, or employee of any kind, and <u>shall have documentation of said determinations available at all times for inspection upon request by the department.</u>

      C. Visitors and Contractors. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each visitor or independent contractor of any kind, and <u>shall have documentation of said determination available at all times for inspection upon request by the department</u>, unless the visitor or independent contractor, other than a *therapeutic professional* as defined in §103 of this Part, will be accompanied at all times while at the center when children are present, by an adult staff member who is not being counted in child-to-staff ratios. <u>The center shall have documentation of said determination of eligibility, or documentation of the accompanying staff member, available at all times for inspection upon request by the department.</u>

      §1715(A)(4) Staff Records and Personnel Files. <u>documentation of CCCBC-based determination of eligibility for child care purposes from the department.</u> The background check waivers shall remain in effect until April 30, 2020 unless terminated sooner by the State Superintendent.

- Bulletin 140 Louisiana Early Childhood Care and Education Network
    - Bulletin 140, §515. Waive the requirement that all spring observations be complete by May 15, and extend observation period until May 31.
    - Bulletin 140 §503 C.1.iii. Waive the community network shadow score requirements for observations for the spring semester (January - May 2020).

If approved, these waivers of BESE rules will be subject to the ratification of the state board at its next regularly scheduled meeting and will be immediately communicated to impacted persons and entities as they attempt to respond to this devastating event. Thank you for your consideration of this request.

Sincerely,

Beth Scioneaux

Beth Scioneaux

Acting Louisiana State Superintendent of Education

Approved:

Sandy Holloway

Sandy Holloway, President

Louisiana Board of Elementary and Secondary Education

Date: ___March 14, 2020_____