

NOTICE OF INTENT

Board of Elementary and Secondary Education

Administrative Board Operations and Programs
(LAC 28:I.307, 309, 311, 313, 503, 705, 715, 1303, 2103 and 2709)

The Board of Elementary and Secondary Education proposes to amend LAC 28:I in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10). Provisions governing the board are being amended, adopted, or repealed in order to add pertinent definitions, update citations, remove obsolete information, and streamline the regulations. The basis and rationale for this proposed Rule are to maintain the regulations that govern the Board of Elementary and Secondary Education, as well as the programs charged to the board.

Title 28

Education

Part I. BESE/8(g) Operations

Subpart 1. Board of Elementary and Secondary Education

Chapter 3. Composition and General Authority

§307. General Powers and Duties

A. - A.9. ...

10. except as otherwise provided by law, approve private schools in accordance with the provisions of R.S. 17:11 and other applicable laws;

11. - 16. ...

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VIII, §8 and R.S. 17:6(A), 17:7(2)(a), 17:7(3), 17:7(4), 17:7(5), 17:7(6)(a)(i), 17:7(7), 17:7(8), 17:4.1, 17:43, 17:348, 17:6(A)(10), 17:6(A)(11), 17:10.5, 17:1990 and 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:410 (March 2008), amended LR 38:3150 (December 2012), LR 39:3262 (December 2013), LR 44:

§309. State Superintendent

A. - D.4. ...

5. The state superintendent may delegate, subject to the approval of the board, the appointing authority conferred upon him/her by law as to the recovery school district to the Recovery School District supervising executive. The state superintendent may delegate administrative authority conferred upon him/her by law as to the recovery school district to the Recovery School District supervising executive, subject to any restrictions provided by law, rule, or policy.

E. - E.6.b. ...

c. The state superintendent shall appoint the Recovery School District supervising executive with prior approval of the board. The board president shall be notified of any acting appointments taking effect and the board shall be notified of the acting appointment at its next regularly scheduled meeting. Upon appointment approval by the board, the employment of the Recovery School District supervising executive will continue unless he/she is removed by the board upon recommendation of the state superintendent or upon voluntary separation from employment.

d. - h. ...

7.a. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:21(C), 17:6(B), 17:21(B), 17:21(D), 17:21(A), 17:1990, 17:24(A), 17:24(B), 17:24(C), 17:24(D), 17:22(2)(f), 36:645, 17:22(6), 17:88(B), 17:88(D), 17:92, 17:10.6(A)(2), 17:3983, 17:43, 17:1945, 36:642(C)(1), and 36:648.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:410 (March 2008), amended LR 37:886 (March 2011), LR 38:3150 (December 2012), LR 39:3262 (December 2013), LR 44:

§311. The Special School District

A. - A.1.a. ...

b. The special school programs provide educational services to students enrolled in state approved programs in non-traditional settings such as those provided by the Department of Health's Office for Citizens with Developmental Disabilities, and the Office of Behavioral Health, the Office of Juvenile Justice, and the Department of Public Safety and Corrections.

B. - B.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:4.1, R.S. 17:6(B), 17:43, 17:1945, 36:642(C)(1), and 36:648.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:412 (March 2008), amended LR 38:3151 (December 2012), LR 39:3262 (December 2013), LR 44:

§313. The Recovery School District

A. - B.2. ...

3. The overall administrative organization of the recovery school district consists of the board in the exercise of its approval over the administration of the Recovery School District, the state superintendent acting as the recovery school district's governing authority, consistent with authority delegated by the board and statutory authority acknowledged by the board, and a supervising executive of the Recovery School District.

4. The recovery school district shall be administered by a superintendent, who shall report to the state superintendent. The responsibilities and duties of the Recovery School District supervising executive shall be prescribed by the state superintendent.

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:6(B), and 36:651(F).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:413 (March 2008), amended LR 36:2851 (December 2010), LR 38:3151 (December 2012), LR 39:3262 (December 2013), LR 44:

Chapter 5. Organization

§503. Advisory Councils

A. - C.3.b.i. ...

ii. the supervising executive of the RSD, who is appointed by the state superintendent of education;

C.3.b.iii. - G.2. ...

3. Agendas of council meetings shall be distributed to council members by the board staff at least 7 days in advance of a meeting, calendar permitting. All council meetings shall be conducted in accordance with the Louisiana open meetings law (R.S. 42:11 et seq.). In the event that no items have been referred by the board to an advisory council for consideration, there are no items pending on an advisory council agenda, and the LDE has no items to bring forward to the advisory council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled and the members shall be notified of the cancellation.

4. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present at a meeting and subject to other provisions of the statute.

5. - 8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:6(A)(15), 17:11, 17:24.4, and 42:19.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:416 (March 2008), amended LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2140 (July 2011), LR 38:772 (March 2012), LR 38:3152 (December 2012), LR 39:3263 (December 2013), LR 42:563 (April 2016), LR 44:744 (April 2018), LR 44:

Chapter 7. Operations

§705. Agenda

A. - B.3. ...

C. Amending Board or Committee Agenda. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present at a meeting and subject to other provisions of the statute.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and 42:19.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:420 (March 2008), amended LR 37:2141 (July 2011), LR 38:3153 (December 2012), LR 39:3264 (December 2013), LR 44:

§715. Executive Session

A. An executive session of the board or its committees shall be conducted in accordance with state law and may include discussion of matters relative to:

1. the character, professional competence, or physical or mental health of a person;
2. any report, development, or course of action regarding security personnel, plans, or devices;
3. prospective and/or pending litigation; and
4. any other issue permitted by law to be discussed in executive session.

B. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:16, 42:17, and 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:423 (March 2008), amended LR 39:3265 (December 2013), LR 44:

Chapter 13. Regulatory Documentation and Procedures

Subchapter A. Regulatory Documents

§1303. Rulemaking

A. - B. ...

C. The following process must be followed for adoption of a new policy, the amendment of an existing policy, or the repeal of an existing policy.

1. The board approves a proposed Rule to be advertised as a Notice of Intent. The Notice of Intent approval will serve as authorization for the BESE executive director to submit the Notice of Intent to the Division of Administration's Office of the State Register to be published in the *Louisiana Register* for final adoption as a Rule at the expiration of the required 90-day advertisement period, if no public comments are received relevant to said

Notice of Intent. If comments are received regarding the Notice of Intent, the comments will be considered by the board prior to final adoption as a Rule (refer to Subparagraphs 2.e-2.f.ii of this Subsection).

2. Following approval of a proposed Rule to be advertised as a Notice of Intent:

a. the appropriate LDE/BESE staff is requested to submit proposed policy language, a Family Impact Statement, a Poverty Impact Statement, a Small Business Analysis, a Provider Impact Statement, a Public Comments paragraph, a Public Hearing paragraph (if applicable), a Fiscal and Economic Impact Statement (FEIS), and comparison language to the board recorder for processing;

b. ...

c. after the FEIS is approved by the LFO, the board recorder prepares the Notice of Intent in compliance with statutory specifications and submits it to the Office of the State Register for publication in the *Louisiana Register*. A report regarding the Rule is also submitted to the appropriate legislative committees;

d. Upon publication of the Notice of Intent in the *Louisiana Register*, a period of 90 days must elapse before the Notice of Intent can be adopted as a final Rule.

e. - f.ii. ...

3. The deadline for submission of information for publication in the *Louisiana Register* is the tenth of the month unless the tenth falls on a weekend or holiday, in which case the deadline will be the last business day prior to the tenth of the month.

D. - E. ...

F. Codified board policies are posted on the Office of the State Register's website and are also accessible through links on the BESE website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and 49:951 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:426 (March 2008), amended LR 37:3220 (November 2011), LR 38:3156 (December 2012), LR 39:3267 (December 2013), LR 44:745 (April 2018), LR 44:

Subchapter B. Petitioning for Rulemaking

§1309. Content of a Rulemaking Petition

A. In accordance with R.S. 49:953(C)(1), any interested person may petition the board's executive director in writing to adopt a new rule or amend or repeal an existing rule contained within the *Louisiana Administrative Code*, Title 28.

B. The petition shall include:

1. the petitioner's name and address;
2. the petitioner's interest in the proposed action;
3. the basis for the request;
4. specific text or a description of the proposed language desired for the adoption or amendment of a rule or the specific regulation and language requested for repeal;
5. any other information that justifies the proposed action; and
6. the signature of the petitioner requesting the rule change.

C. A copy of the form to petition for rulemaking, as described in Subsection B of this Section, can be obtained:

1. from BESE's website;
2. by requesting a copy sent through the U.S. Mail; or
3. by means of facsimile.

D. The petition shall be submitted by certified mail and addressed to:

Board of Elementary and Secondary Education
Attn: Executive Director of the Board
P.O. Box 94064, Capital Station
Baton Rouge, LA 70804

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 49:953 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:

§1311. Processing a Rulemaking Petition

A. Upon receipt, a petition for rulemaking shall be reviewed for completeness, as prescribed in LAC 28:I.1309. If found complete, the petition shall be processed in accordance with this Section.

B. Within 90 days of receipt of the petition for rulemaking, the executive director, after consulting with the board's officers, shall either:

1. initiate procedures for processing a proposed regulation, along with the rulemaking procedures provided in R.S. 49:950 et seq., upon approval to proceed with rulemaking; or
2. shall notify the petitioner in writing, stating the reason(s) for the denial, upon a denial to proceed with rulemaking.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 49:953 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:

Subpart 3. Bulletin 921—Policy and Procedure Manual for the Louisiana Quality Education Support Fund 8(g)

§2103. Definitions

[Formerly LAC 28:XCIII.103]

A. As used in this document, the following terms shall have the meaning specified:

8(g) Advisory Council—an advisory council to the BESE which annually makes recommendations on the program, budget, and recommended projects for funding to be allocated by the BESE. The council shall operate in accordance with LAC 28:I.503 and shall serve without compensation, except for reasonable and necessary expenses for attending meetings and performing duties.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3142 (December 2012), amended LR 44:

Chapter 27. Annual 8(g) Program and Budget

Subchapter A. Establishment of Annual 8(g) Program and Budget

§2709. Notice of Adoption of Annual 8(g) Program and Budget [Formerly LAC 28:XCIII.709]

A. The board shall post on its website a summary of the adoption of the annual 8(g) program and. Such summary shall consist of a summary of the educational objectives and/or programs to receive budgetary priorities, including the proposed allocation. Such report shall include, but not be limited to, the following:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3144 (December 2012), amended LR 44:

COMPARISON DOCUMENT

Title 28

Education

Part I. BESE/8(g) Operations

Subpart 1. Board of Elementary and Secondary Education

Chapter 3. Composition and General Authority

§307. General Powers and Duties

A. - A.9. ...

10. except as otherwise provided by law, approve private schools in accordance with the provisions of R.S. 17:4011 and other applicable laws;

11. - 16. ...

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VIII, §8 and R.S. 17:6(A), 17:7(2)(a), 17:7(3), 17:7(4), 17:7(5), 17:7(6)(a)(i), 17:7(7), 17:7(8), 17:4.1, 17:43, 17:348, 17:6(A)(10), 17:6(A)(11), 17:10.5, 17:1990 and 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:410 (March 2008), amended LR 38:3150 (December 2012), LR 39:3262 (December 2013), LR 44:

§309. State Superintendent

A. - D.4. ...

5. The state superintendent may delegate, subject to the approval of the board, the appointing authority conferred upon him/her by law as to the recovery school district to the Recovery School District ~~superintendent~~ superintending executive. The state superintendent may delegate administrative authority conferred upon him/her by law as to the recovery school district to the Recovery School District ~~superintendent~~ superintending executive, subject to any restrictions provided by law, rule, or policy.

E. - E.6.b. ...

c. The state superintendent shall appoint the Recovery School District ~~superintendent~~ superintending executive with prior approval of the board. The board president shall be notified of any acting appointments taking effect and the board shall be notified of the acting appointment at its next regularly scheduled meeting. Upon appointment approval by the board, the employment of the Recovery School District ~~superintendent~~ superintending executive will continue unless he/she is removed by the board upon recommendation of the state superintendent or upon voluntary separation from employment.

d. - h. ...

7.a. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:21(C), 17:6(B), 17:21(B), 17:21(D), 17:21(A), 17:1990, 17:24(A), 17:24(B), 17:24(C), 17:24(D), 17:22(2)(f), 36:645, 17:22(6), 17:88(B), 17:88(D), 17:92, 17:10.6(A)(2), 17:3983, 17:43, 17:1945, 36:642(C)(1), and 36:648.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:410 (March 2008), amended LR 37:886 (March 2011), LR 38:3150 (December 2012), LR 39:3262 (December 2013), LR 44:

§311. The Special School District

A. - A.1.a. ...

b. The special school programs provide educational services to students enrolled in state approved programs in non-traditional settings such as those provided by the Department of Health's Office of for Citizens with Developmental Disabilities, and the Office of Behavioral Health, the Office of Juvenile Justice, and the Department of Public Safety and Corrections.

B. - B.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:4.1, R.S. 17:6(B), 17:43, 17:1945, 36:642(C)(1), and 36:648.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:412 (March 2008), amended LR 38:3151 (December 2012), LR 39:3262 (December 2013), LR 44:

§313. The Recovery School District

A. - B.2. ...

3. The overall administrative organization of the recovery school district consists of the board in the exercise of its approval over the administration of the Recovery School District, the state superintendent acting as the recovery school district's governing authority, consistent with authority delegated by the board and statutory authority acknowledged by the board, and a ~~superintendent~~ superintending executive of the Recovery School District.

4. The recovery school district shall be administered by a superintendent, who shall report to the state superintendent. The responsibilities and duties of the Recovery School District ~~superintendent~~ superintending executive shall be prescribed by the state superintendent.

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:6(B), and 36:651(F).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:413 (March 2008), amended LR 36:2851 (December 2010), LR 38:3151 (December 2012), LR 39:3262 (December 2013), LR 44:

Chapter 5. Organization

§503. Advisory Councils

A. - C.3.b.i. ...

ii. ~~the superintendent-supervising executive~~ of the RSD, who is appointed by the state superintendent of education;

C.3.b.iii. - G.2. ...

3. Agendas of council meetings shall be distributed to council members by the board staff at least 7 days in advance of a meeting, calendar permitting. All council meetings shall be conducted in accordance with the Louisiana open meetings law (R.S. 42:11 *et seq.*). In the event that no items have been referred by the board to an advisory council for consideration, there are no items pending on an advisory council agenda, and the LDE has no items to bring forward to the advisory council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled and the members shall be notified of the cancellation.

4. In accordance with ~~Act 131 of the 2008 Regular Legislative Session~~ R.S. 42:19, the agenda may be amended upon unanimous approval of the members present at a meeting and subject to other provisions of the statute.

5. - 8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:6(A)(15), 17:11, 17:24.4, and 42:19.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:416 (March 2008), amended LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2140 (July 2011), LR 38:772 (March 2012), LR 38:3152 (December 2012), LR 39:3263 (December 2013), LR 42:563 (April 2016), LR 44:744 (April 2018), LR 44:

Chapter 7. Operations

§705. Agenda

A. - B.3. ...

C. Amending Board or Committee Agenda. In accordance with ~~Act 131 of the 2008 Regular Legislative Session~~ R.S. 42:19, the agenda may be amended upon unanimous approval of the members present at a meeting and subject to other provisions of the statute.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and 42:19.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:420 (March 2008), amended LR 37:2141 (July 2011), LR 38:3153 (December 2012), LR 39:3264 (December 2013), LR 44:

§715. Executive Session

A. An executive session of the board or its committees shall be conducted in accordance with state law and ~~ordinarily shall may include, but not be limited to, discussion of matters dealing with personnel, security measures, prospective litigation, and pending litigation relative to:~~

1. the character, professional competence, or physical or mental health of a person;
2. any report, development, or course of action regarding security personnel, plans, or devices;
3. prospective and/or pending litigation; and
4. any other issue permitted by law to be discussed in executive session.

B. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:16, 42:17, and 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:423 (March 2008), amended LR 39:3265 (December 2013), LR 44:

Chapter 13. Regulatory Documentation and Procedures

Subchapter A. Regulatory Documents

§1303. Rulemaking

A. - B. ...

C. The following process must be followed for adoption of a new policy, the amendment of an existing policy, or the repeal of an existing policy.

1. The board approves a proposed Rule to be advertised as a Notice of Intent. The Notice of Intent approval will serve as authorization for the BESE executive director to submit the Notice of Intent to the *Louisiana Register* Division of Administration's Office of the State Register to be published in the *Louisiana Register* for final adoption as a Rule at the expiration of the required 90-day advertisement period, if no public comments are received relevant to said Notice of Intent. If comments are received regarding the Notice of Intent, the comments will be considered by the board prior to final adoption as a Rule (refer to Subparagraphs 2.e-2.f.ii below of this Subsection).

2. Following approval of a proposed Rule to be advertised as a Notice of Intent:

a. the appropriate LDE/BESE staff is requested to submit proposed policy language, a Family Impact Statement, a Poverty Impact Statement, a Small Business Analysis, a Provider Impact Statement, a Public Comments paragraph, a Public Hearing paragraph (if applicable), a Fiscal and Economic Impact Statement (FEIS), and comparison language (if applicable)-to the board recorder for processing;

b. ...

c. after the FEIS is approved by the LFO, the board recorder prepares the Notice of Intent in compliance with statutory specifications and submits it to the Louisiana Register-Office of the State Register for publication in the Louisiana Register. A report regarding the Rule is also submitted to the appropriate legislative committees;

d. Upon publication of the Notice of Intent in the Louisiana Register, a period of 90 days must elapse before the Notice of Intent can be adopted as a final Rule.

e. - f.ii. ...

3. The deadline for submission of information for publication of ~~Notices of Intent or final Rules~~ in the Louisiana Register is the tenth of the month unless the tenth falls on a weekend or holiday, in which case the deadline will be the last business day prior to the tenth of the month.

D. - E. ...

F. Codified board policies are posted on the Louisiana Register-Office of the State Register's website and are also accessible through links on the BESE website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and 49:951 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:426 (March 2008), amended LR 37:3220 (November 2011), LR 38:3156 (December 2012), LR 39:3267 (December 2013), LR 44:745 (April 2018), LR 44:

Subchapter B. Petitioning for Rulemaking

§1309. Content of a Rulemaking Petition

A. In accordance with R.S. 49:953(C)(1), any interested person may petition the board's executive director in writing to adopt a new rule or amend or repeal an existing rule contained within the Louisiana Administrative Code, Title 28.

B. The petition shall include:

1. the petitioner's name and address;
2. the petitioner's interest in the proposed action;
3. the basis for the request;
4. specific text or a description of the proposed language desired for the adoption or amendment of a rule or the specific regulation and language requested for repeal;
5. any other information that justifies the proposed action; and
6. the signature of the petitioner requesting the rule change.

C. A copy of the form to petition for rulemaking, as described in Subsection B of this Section, can be obtained:

1. from BESE's website;
2. by requesting a copy sent through the U.S. Mail; or
3. by means of facsimile.

D. The petition shall be submitted by certified mail and addressed to:

Board of Elementary and Secondary Education
Attn: Executive Director of the Board
P.O. Box 94064, Capital Station
Baton Rouge, LA 70804

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 49:953 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:

§1311. Processing a Rulemaking Petition

A. Upon receipt, a petition for rulemaking shall be reviewed for completeness, as prescribed in LAC 28:I.1309. If found complete, the petition shall be processed in accordance with this Section.

B. Within 90 days of receipt of the petition for rulemaking, the executive director, after consulting with the board's officers, shall either:

1. initiate procedures for processing a proposed regulation, along with the rulemaking procedures provided in R.S. 49:950 et seq., upon approval to proceed with rulemaking; or
2. shall notify the petitioner in writing, stating the reason(s) for the denial, upon a denial to proceed with rulemaking.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 49:953 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:

Subpart 3. Bulletin 921—Policy and Procedure Manual for the Louisiana Quality Education Support Fund 8(g)

§2103. Definitions

[Formerly LAC 28:XCIII.103]

A. As used in this document, the following terms shall have the meaning specified:

8(g) Advisory Council—an advisory council to the BESE which annually makes recommendations on the program, budget, and recommended projects for funding to be allocated by the BESE. The council shall operate in accordance with ~~the BESE policy concerning the operation of advisory councils~~ LAC 28:I.503 and shall serve without compensation, except for reasonable and necessary expenses for attending meetings and performing duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3142 (December 2012), amended LR 44:

Chapter 27. Annual 8(g) Program and Budget

Subchapter A. Establishment of Annual 8(g) Program and Budget

§2709. Notice of Adoption of Annual 8(g) Program and Budget [Formerly LAC 28:XIII.709]

A. The board shall ~~publish post on its website a notice of its summary of the~~ adoption of the annual 8(g) program and budget ~~in the *Louisiana Register*.~~ Such ~~notice~~ summary shall consist of a summary of the educational objectives and/or programs to receive budgetary priorities, including the proposed allocation. Such report shall include, but not be limited to, the following:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3144 (December 2012), amended LR 44:

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
FAMILY IMPACT STATEMENT
(LA R.S. 49:953 and 972)

Person Preparing Statement: Ryan Gremillion
Phone: 225-342-1501
Division: Policy Office
Rule Title: Part I. BESE/8(g) Operations

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

PLEASE RESPOND TO THE FOLLOWING:

1. WILL THE PROPOSED RULE AFFECT THE STABILITY OF THE FAMILY?
 No
 Yes
 Lacks sufficient information to determine
2. WILL THE PROPOSED RULE AFFECT THE AUTHORITY AND RIGHTS OF PARENTS REGARDING THE EDUCATION AND SUPERVISION OF THEIR CHILDREN?
 No
 Yes
 Lacks sufficient information to determine.
3. WILL THE PROPOSED RULE AFFECT THE FUNCTIONING OF THE FAMILY?
 No
 Yes
 Lacks sufficient information to determine
4. WILL THE PROPOSED RULE AFFECT FAMILY EARNINGS AND FAMILY BUDGET?
 No
 Yes
 Lacks sufficient information to determine
5. WILL THE PROPOSED RULE AFFECT THE BEHAVIOR AND PERSONAL RESPONSIBILITY OF CHILDREN?
 No
 Yes
 Lacks sufficient information to determine
6. IS THE FAMILY OR A LOCAL GOVERNMENT ABLE TO PERFORM THE FUNCTION AS CONTAINED IN THE PROPOSED RULE?
 No
 Yes
 Lacks sufficient information to determine

Signature of Contact Person: Ryan Gremillion

Date Submitted: 8/18/18

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
POVERTY IMPACT STATEMENT
(LA R.S. 49:973)

Person Preparing Statement: Ryan Gremillion

Phone: 225-342-1501

Division: Policy Office

Rule Title: Part I. BESE/8(g) Operations

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on the rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule 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 one hundred percent of the federal poverty line.

PLEASE RESPOND TO THE FOLLOWING:

1. WILL THE PROPOSED RULE AFFECT THE HOUSEHOLD INCOME, ASSETS, AND FINANCIAL SECURITY?

- No
 Yes
 Lacks sufficient information to determine

2. WILL THE PROPOSED RULE AFFECT EARLY CHILDHOOD DEVELOPMENT AND PRESCHOOL THROUGH POSTSECONDARY EDUCATION DEVELOPMENT?

- No
 Yes
 Lacks sufficient information to determine

3. WILL THE PROPOSED RULE AFFECT EMPLOYMENT AND WORKFORCE DEVELOPMENT?

- No
 Yes
 Lacks sufficient information to determine

4. WILL THE PROPOSED RULE AFFECT TAXES AND TAX CREDITS?

- No
 Yes
 Lacks sufficient information to determine

5. WILL THE PROPOSED RULE AFFECT CHILD AND DEPENDENT CARE, HOUSING, HEALTH CARE, NUTRITION, TRANSPORTATION, AND UTILITIES ASSISTANCE?

- No
 Yes
 Lacks sufficient information to determine

Signature of Contact Person: Ryan Gremillion

Date Submitted: 8/8/13

Small Business Statement

The impact of the proposed Rule on small businesses as defined in 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 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on 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, September 9, 2018, 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

Person
Preparing
Statement: Ryan Gremillion Dept.: LA Department of Education
Board of Elementary &
Secondary Education

Phone: (225) 342-1501 Office: Policy

Return
Address: P. O. Box 94064 Rule
Baton Rouge, LA Title: Part I. BESE/8(g) Operations

Date Rule
Takes Effect: Upon final promulgation

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

The proposed policy revisions will have an indeterminable impact to the state Department of Education (LDE).

Provisions governing the board are being amended, adopted, or repealed in order to add pertinent definitions, update citations, remove obsolete information, and streamline the regulations. Additionally, changes provide for any interested person to petition the board to adopt a new rule or amend or repeal an existing rule. The board shall review the request and initiate procedures to process the request or notify the petitioner in writing of a denial. Such provisions could result in a workload increase for the staff of the Board of Secondary and Elementary Education (BESE) and the LDE, however, the extent of such increases will depend upon the frequency and complexity of requests which may be exercised and are indeterminable at this time.

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

The proposed policy revisions will have no effect on revenue collections of state or local governmental units.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated impacts on competition and employment.

Beth Scioneaux

Signature of Agency Head or Designee

Evan Brassfield Sponeder

Legislative Fiscal Officer or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance

Typed Name and Title of Agency Head or Designee

8/9/18

Date of Signature

8/9/18

Date of Signature

LFO 10/04

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

Provisions governing the board are being amended, adopted, or repealed in order to add pertinent definitions, update citations, remove obsolete information, and streamline the regulations. The basis and rationale for this proposed Rule are to maintain the regulations that govern the Board of Elementary and Secondary Education, as well as the programs charged to the board.

- B. Summarize the circumstances that require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Provisions governing the board are being amended, adopted, or repealed in order to add pertinent definitions, update citations, remove obsolete information, and streamline the regulations. The basis and rationale for this proposed Rule are to maintain the regulations that govern the Board of Elementary and Secondary Education, as well as the programs charged to the board.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session.

1. Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No

2. If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ Yes. If yes, attach documentation.

(b) _____ NO. If no, provide justification as to why this rule change should be published at this time.

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

| COSTS | FY18-19 | FY19-20 | FY20-21 |
|-----------------------------------|---------|--------------------------|---------|
| PERSONAL SERVICES | | | |
| OPERATING EXPENSES | | | |
| PROFESSIONAL SERVICES | | | |
| OTHER CHARGES | | | |
| EQUIPMENT | | | |
| <u>MAJOR REPAIR & CONSTR.</u> | | | |
| <u>POSITIONS (#)</u> | | | |
| TOTAL | | -----Indeterminable----- | |

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

Changes provide for any interested person to petition the board to adopt a new rule or amend or repeal an existing rule. The board shall review the request and initiate procedures to process the request or notify the petitioner in writing of a denial. Such provisions could result in a workload increase for the staff of the Board of Secondary and Elementary Education (BESE) and the LDE, however, the extent of such increases will depend upon the frequency and complexity of requests which may be exercised and are indeterminable at this time.

3. Sources of funding for implementing the proposed rule or rule change.

| SOURCE | FY18-19 | FY19-20 | FY20-21 |
|-----------------------|---------|---------|---------|
| STATE GENERAL FUND | | | |
| AGENCY SELF-GENERATED | | | |
| DEDICATED | | | |
| FEDERAL FUNDS | | | |
| OTHER (Specify) | | | |
| TOTAL | \$0 | \$0 | \$0 |

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Yes.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There are no costs or savings to local governmental units resulting from the proposed revisions.

2. Indicate the sources of funding of the local governmental unit that will be affected by these costs or savings.

There are no costs or savings to local governmental units resulting from the proposed revisions.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

There are no anticipated increases or decreases in revenues as a result of the proposed action.

| REVENUE INCREASE/DECREASE | FY18-19 | FY19-20 | FY20-21 |
|---------------------------|---------|---------|---------|
| STATE GENERAL FUND | -0- | -0- | -0- |
| AGENCY SELF GENERATED | | | |
| RESTRICTED FUNDS* | | | |
| FEDERAL FUNDS | | | |
| LOCAL FUNDS | | | |
| TOTAL | -0- | -0- | -0- |

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

There are no anticipated increases or decreases in revenues as a result of the proposed action.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

There are no costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed revisions.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

No impact on income is anticipated as a result of this rule change.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

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