

NOTICE OF INTENT

Board of Elementary and Secondary Education

Part XI. Bulletin 118—Statewide Assessment Standards and Practices

(LAC 28:XI. 6913).

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education (BESE) approved for advertisement revisions to *Bulletin 118—Statewide Assessment Standards and Practices: §6913 Performance Standards*, regarding LEAP Connect scaled score ranges.

**Title 28
EDUCATION**

Part XI. Accountability/Testing

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 69. LEAP Alternate Assessment, Level 1

Subchapter E. Alternate Achievement Levels and Performance Standards

§6913. Performance Standards
[Formerly LAC 28:CXI.1913]

- A. ...
- B. LAA 1 Alternate Achievement Levels and Scaled-Score Growth Ranges
 - 1. English Language Arts and Mathematics Scaled Score Ranges

Performance Level	English Language Arts						
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11
Level 4	1251-1290	1258-1290	1256-1290	1253-1290	1255-1290	1250-1290	1255-1290
Level 3	1240-1250	1240-1257	1240-1255	1240-1252	1240-1254	1240-1249	1240-1254
Level 2	1234-1239	1234-1239	1232-1239	1231-1239	1236-1239	1230-1239	1236-1239
Level 1	1200-1233	1200-1233	1200-1231	1200-1230	1200-1235	1200-1229	1200-1235
Performance Level	Mathematics						
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11
Level 4	1254-1290	1251-1290	1255-1290	1249-1290	1254-1290	1249-1290	1249-1290
Level 3	1240-1253	1240-1250	1240-1254	1240-1248	1240-1253	1240-1248	1240-1248
Level 2	1236-1239	1233-1239	1231-1239	1234-1239	1232-1239	1234-1239	1234-1239
Level 1	1200-1235	1200-1232	1200-1230	1200-1233	1200-1231	1200-1233	1200-1233

B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (3) and R.S. 17:183.1–17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007), amended LR 35:209 (February 2009), 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 XI. Bulletin 118— Statewide Assessment Standards and Practices

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: 4/9/18

**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 XI. Bulletin 118— Statewide Assessment Standards and Practices

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: 4/9/18

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, May 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

to CFO 3/15/18
revised 4/9/18

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 Title: Part XI. Bulletin 118—Statewide
Baton Rouge, LA Assessment Standards and Practices

Date Rule Takes Effect: Upon final adoption by BESE

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)

There will be indeterminable costs to local school districts as a result of the changes. In October 2017, BESE approved revisions to Bulletin 118, *Statewide Assessment Standards and Practices*, relative to Louisiana's approved education plan pursuant to the federal Every Student Succeeds Act (ESSA). The policy stated that the LDE would propose, for approval by BESE, LEAP Connect scaled-score ranges during the 2017-2018 school year. LEAP Connect is a state assessment developed to ensure that students with significant cognitive disabilities are able to participate in an assessment that measures student knowledge based upon the grade-level Louisiana Connectors, as required by federal law.

When taken in conjunction with other changes to the school, district and state accountability system contained in Bulletins 118 and 111, potential implications for schools which are labeled "Urgent Intervention Required" and "Comprehensive Intervention Required".. Schools receiving such ratings will be required to develop a plan that describes goals, strategies, and monitoring processes that will be used to address identified deficiencies.

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

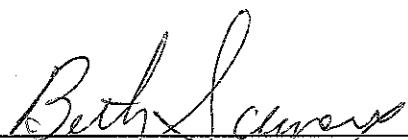
Schools may be eligible for competitive grants from the Department of Education to address curriculum, assessment, and professional development needs aimed at improving student performance.

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

Public charter schools will experience similar impacts to those identified for traditional public schools.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

School districts have expressed concerns that lower school performance scores will make it more difficult to attract high quality teachers.


Signature of Agency Head or Designee


Legislative Fiscal Officer or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance

Typed Name and Title of Agency Head or Designee

4/9/18

Date of Signature

4/9/18

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).

In October 2017, BESE approved revisions to Bulletin 118, *Statewide Assessment Standards and Practices*, relative to the Louisiana education plan pursuant to the federal Every Students Succeeds Act (ESSA). The policy stated that the LDE would release LEAP Connect scaled-score ranges during the 2017-2018 school year.

LEAP Connect is a computer-based assessment developed to ensure that students with significant cognitive disabilities are able to participate in an assessment that measures student knowledge based upon the grade-level Louisiana Connectors.

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

Louisiana state education plan pursuant to ESSA.

- 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.

FISCAL AND ECONOMIC IMPACT STATEMENT

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	FY19-20
PERSONAL SERVICES			
OPERATING EXPENSES	0	0	0
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
MAJOR REPAIR & CONSTR.			
POSITIONS (#)			
TOTAL	0	0	0

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.

N/A.

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

SOURCE	FY18-19	FY19-20	FY19-20
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED			
DEDICATED			
FEDERAL FUNDS	-0-	-0-	-0-
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 will be indeterminable costs for local school districts as a result of the changes to the student achievement levels and performance standards, when taken in conjunction with previous changes to the school, district, and state accountability system contained in Bulletins 118 and 111.

Per the state accountability system, potential implications for schools which are labeled academically in crisis or failing include increased resource needs for evidence based intervention and improvement programs

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

Local school districts are funded utilizing a mix of state allocations of the Minimum Foundation Program (MFP) other state allocations, federal funds and local revenues.

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?

Schools may be eligible for School Redesign Grants.

REVENUE INCREASE/DECREASE	FY18-19	FY19-20	FY19-20
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF GENERATED			
RESTRICTED FUNDS*			
FEDERAL FUNDS	Increase	Increase	Increase
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.

The US Department of Education requires states to utilize 7% (approximately \$20 M) of the Title I allocation for school improvements. The LDE has begun awarding a significant portion of these funds to make competitive grants to local school districts and charter schools. These competitive grants will be awarded by the LDE, with approval from BESE, which will evaluate requests for funding based on plans which address curriculum, assessment, and teacher professional development and which must ensure access to advanced coursework, career education, and strong academic counseling.

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.

Public charter schools will experience similar impacts to those identified for traditional public schools. Such impacts are indeterminable at this time.

- 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.

Local school district Superintendents have expressed concerns that districts which experience lower school performance scores as a result of the changes may have difficulty attracting high quality teachers. Further, that lower scores may affect taxpayers' confidence in the local school system, making it harder for districts to generate support for changes in property millages and sales taxes which accrue to the district.

COMPARISON DOCUMENT

Title 28
EDUCATION

Part XI. Accountability/Testing

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 69. LEAP Alternate Assessment, Level 1

Subchapter E. Alternate Achievement Levels and Performance Standards

§6913. Performance Standards
[Formerly LAC 28:CXI.1913]

- A. ...
- B. LAA 1 Alternate Achievement Levels and Scaled-Score Growth Ranges
 - 1. English Language Arts and Mathematics Scaled Score Ranges

Achievement Level	English Language Arts Scaled Score Ranges			
	Grade Span 3-4	Grade Span 5-6	Grade Span 7-8	Grade Span 9-10
Exceeds Standard	840-900	840-900	848-900	845-900
Meets Standard	810-839	810-839	810-847	810-844
Working Toward Standard	700-809	700-809	700-809	700-809
Achievement Level	Mathematics Scaled Score Ranges			
	Grade Span 3-4	Grade Span 5-6	Grade Span 7-8	Grade Span 9-10
Exceeds Standard	845-900	843-900	846-900	840-900
Meets Standard	810-844	810-842	810-845	810-839
Working Toward Standard	700-809	700-809	700-809	700-809

Performance Level	English Language Arts						
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11
<u>Level 4</u>	<u>1251-1290</u>	<u>1258-1290</u>	<u>1256-1290</u>	<u>1253-1290</u>	<u>1255-1290</u>	<u>1250-1290</u>	<u>1255-1290</u>
<u>Level 3</u>	<u>1240-1250</u>	<u>1240-1257</u>	<u>1240-1255</u>	<u>1240-1252</u>	<u>1240-1254</u>	<u>1240-1249</u>	<u>1240-1254</u>
<u>Level 2</u>	<u>1234-1239</u>	<u>1234-1239</u>	<u>1232-1239</u>	<u>1231-1239</u>	<u>1236-1239</u>	<u>1230-1239</u>	<u>1236-1239</u>
<u>Level 1</u>	<u>1200-1233</u>	<u>1200-1233</u>	<u>1200-1231</u>	<u>1200-1230</u>	<u>1200-1235</u>	<u>1200-1229</u>	<u>1200-1235</u>
Performance Level	Mathematics						
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11
<u>Level 4</u>	<u>1254-1290</u>	<u>1251-1290</u>	<u>1255-1290</u>	<u>1249-1290</u>	<u>1254-1290</u>	<u>1249-1290</u>	<u>1249-1290</u>
<u>Level 3</u>	<u>1240-1253</u>	<u>1240-1250</u>	<u>1240-1254</u>	<u>1240-1248</u>	<u>1240-1253</u>	<u>1240-1248</u>	<u>1240-1248</u>
<u>Level 2</u>	<u>1236-1239</u>	<u>1233-1239</u>	<u>1231-1239</u>	<u>1234-1239</u>	<u>1232-1239</u>	<u>1234-1239</u>	<u>1234-1239</u>
<u>Level 1</u>	<u>1200-1235</u>	<u>1200-1232</u>	<u>1200-1230</u>	<u>1200-1233</u>	<u>1200-1231</u>	<u>1200-1233</u>	<u>1200-1233</u>

B.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (3) and R.S. 17:183.1–17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007), amended LR 35:209 (February 2009), LR 44:.