

NOTICE OF INTENT

**Board of Elementary and Secondary Education
Part CLIII. Bulletin 133—Scholarship Programs**

(LAC 28: CLIII.1305)

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 approved for advertisement revisions to *Bulletin 133—Scholarship Programs* §1305. Accountability System for Participating Nonpublic Schools. The revisions allow the State Superintendent to align future Scholarship school participation and enrollment decisions to the transition policies for new assessments.

**Title 28
EDUCATION**

Part CLIII. Bulletin 133—Scholarship Programs

**Chapter 13. Criteria for School Participation in the Student Scholarships for
Educational Excellence Program**

§1305. Accountability System for Participating Nonpublic Schools

A.– E.2.b. ...

c. The state superintendent may waive either or both of the above provisions for a given school if the school received a score higher than an equivalent school performance score correlating to a letter grade of an “F” according to the school performance score formula outlined in Bulletin 111 – the Louisiana School, District, and State Accountability system.

E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6 and R.S. 17:4025.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:83 (January 2013), amended LR 42:

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

Person Preparing Statement: Nancy Beben
Phone: 225-342-4991
Division: Policy Office
Rule Title: Part CLIII. Bulletin 133—Scholarship Programs

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 All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.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: *Nancy Beben*
Date Submitted: 12/2/15

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

Person Preparing Statement: Nancy Beben

Phone: 225-342-4991

Division: Policy Office

Rule Title: Part CLIII. Bulletin 133—Scholarship Programs

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: Nancy Beben
Date Submitted: 12/2/15

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 4:30 p.m., February 8, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis
Executive Director

rec'd from LDE 11/7/16
to LFO 1/7/16
back from LFO 1/7/16

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement: Nancy Beben Dept.: LA Department of Education
Board of Elementary & Secondary Education

Phone: (225) 342-4991 Office: Policy

Return Address: P. O. Box 94064 Rule Title: Part CLIII. Bulletin 133—Scholarship Programs
Baton Rouge, LA

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)

The proposed policy revision could increase costs for the Department of Education if enrollment waivers are granted under the new exception.

Pursuant to R.S. 17:4015(9), the revisions allow the State Superintendent to align future Student Scholarship for Educational Excellence (SSEEP) school participation and enrollment decisions to the transition policies for new assessments found in Bulletin 111—The Louisiana School, District, and State Accountability System, §303. For the 2014-2015 and 2015-2016 school years, School Performance Scores will be determined pursuant a transition policy (a "curve") initially approved in September, 2013. The transition policy ensures that as student academic expectations are raised and new assessments given, there remains stability in the state's school and accountability system. Because students participating in the scholarship program take the same state assessments, and in order to maintain consistency in the two accountability systems, the proposed rule establishes the same curve for the Scholarship Cohort Index. Previously a score below 50 equated to an F, however for the transition period, SSEEP participating schools with score below 50 which were previously prohibited from enrolling new students may be granted a waiver to continue enrollment of new students. This would increase the cost of the program, however, such increases are not likely to be significant and would be covered under the "more or less estimated" appropriation in the General Appropriation Bill for FY16.

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

This policy 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)

Participating SSEEP schools could receive a waiver to continue enrolling new students, even though the School Cohort Index falls below a 50.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Beth Scioneaux
Signature of Agency Head or Designee

Evan Brasel, Staff Director
Legislative Fiscal Officer or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance
Typed Name and Title of Agency Head or Designee

1/7/16
Date of Signature

1/7/16
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).

Pursuant to R.S. 17:4015(9), the revisions allow the State Superintendent to align future Student Scholarship for Educational Excellence school participation and enrollment decisions to the transition policies for new assessments found in Bulletin 111—The Louisiana School, District, and State Accountability System, §303.

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

The revisions are required to correct and update policy.

- 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.

Increases are possible, however, will likely be nominal and fall within the appropriated funding for the program.

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.

The FY16 General Appropriation Bill contains funding for the Student Scholarship for Educational Excellence Program and includes "more or less estimated" language, which anticipates funding expenditures in excess of the appropriated amount. This language has not traditionally been applied to this program and will likely only affect FY16 expenditures.

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	FY15-16	FY16-17	FY17-18
PERSONAL SERVICES			
OPERATING EXPENSES			
PROFESSIONAL SERVICES			
OTHER CHARGES	Increase	Increase	-0-
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.

For the 2014-2015 and 2015-2016 school years, School Performance Scores will be determined pursuant a transition policy (a "curve") initially approved in September, 2013. The transition policy ensures that as student academic expectations are raised and new assessments given, there remains stability in the state's school and accountability system. Because students participating in the scholarship program take the same state assessments, and in order to maintain consistency in the two accountability systems, the proposed rule establishes the same curve for the Scholarship Cohort Index. Previously a score below 50 equated to an F, however for the transition period, SSEEP participating schools with score below 50 which were previously prohibited from enrolling new students may be granted a waiver to continue enrollment of new students. This would increase the cost of the program, however, such increases are not likely to be significant and would be covered under the "more or less estimated" appropriation in the General Appropriation Bill for FY16. Since the scale for performance scores are anticipated to revert in 2016-2017, there is no anticipated impact in FY18.

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

SOURCE	FY15-16	FY16-17	FY17-18
STATE GENERAL FUND			
AGENCY SELF-GENERATED	-0-	-0-	-0-
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?

The Department has the necessary funds to implement the proposed action. The SSEEP is funded in the General Appropriation Bill, which includes "more or less estimated" language to allow expenditures in excess of the appropriation.

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.

The proposed action will not result in any cost, savings, or workload adjustment to local school systems.

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

No sources of funding will be affected.

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?

This proposed action will have no effect on revenue collection.

REVENUE INCREASE/DECREASE	FY15-16	FY16-17	FY17-18
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.

This proposed action will have no effect on revenue collection.

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.

Participating SSEEPS schools could receive a waiver to continue enrolling new students, even though the Scholarship Cohort Index falls below a 50.

- 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 policy will have no effect on competition and employment.

COMPARISON DOCUMENT

**Title 28
EDUCATION**

Part CLIII. Bulletin 133—Scholarship Programs

Chapter 13. Criteria for School Participation in the Student Scholarships for Educational Excellence Program

§1305. Accountability System for Participating Nonpublic Schools

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