NOTICE OF INTENT

Board of Elementary and Secondary Education

Chapter 5. Organization
(LAC 28:I.503)

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 the *Louisiana Administrative Code*, Title 28, Part I, §503. Advisory Councils, to repeal the Textbook/Media/Library Advisory Council from the BESE Code pursuant to Act 389 of the 2015 Regular Legislative Session. The changes repeal a policy creating the Textbook/Media/Library Advisory Council (TMLAC) and establishing its membership and operations. These revisions are being made in response to Act 389 of the 2015 Regular Legislative Session, which revised procedures for the adoption, review, procurement, and distribution of textbooks and other instructional materials for use in elementary and secondary schools. The Act specifically repealed statutes authorizing the TMLAC, instead requiring BESE to prescribe a process for textbook review, adoption, procurement, and distribution. As a part of this process, members of the public will have the opportunity to view textbooks under review and submit comments during the review period and prior to final adoption (R.S. 17:351.1).

Title 28
EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 5. Organization

§503. Advisory Councils

A. – C.3.d.ii. . . .

4. – 4.c.ii. REPEAL

D. - G.8. . . .

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

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:

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

Person Preparing Statement: Alison Borchgrevink
Phone: (225) 342-1393
Division: BESE
Rule Title: Advisory Councils (LAC 28:I.503)

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 All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.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:

I. WILL THE PROPOSED RULE AFFECT THE STABILITY OF THE FAMILY?

(X) 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?

(X) No
( ) Yes
( ) Lacks sufficient information to determine

3. WILL THE PROPOSED RULE AFFECT THE FUNCTIONING OF THE FAMILY?

(X) No
( ) Yes
( ) Lacks sufficient information to determine

4. WILL THE PROPOSED RULE AFFECT FAMILY EARNINGS AND FAMILY BUDGET?

(X) No
( ) Yes
( ) Lacks sufficient information to determine

5. WILL THE PROPOSED RULE AFFECT THE BEHAVIOR AND PERSONAL RESPONSIBILITY OF CHILDREN?

(X) 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
(X) Yes
( ) Lacks sufficient information to determine

Signature of Contact Person: A Borchgrevink
Date Submitted: 12/9/2015

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

Person Preparing Statement: Alison Borchgrevink

Phone: (225) 342-1393

Division: BESE

Rule Title: Advisory Councils (LAC 28:I.503)

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:

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

(X) No
( ) Yes
( ) Lacks sufficient information to determine

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

(X) No
( ) Yes
( ) Lacks sufficient information to determine

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

(X) No
( ) Yes
( ) Lacks sufficient information to determine

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

(X) 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?

(X) No
( ) Yes
( ) Lacks sufficient information to determine

Signature of Contact Person: A Borchgrevink

Date Submitted: 12/8/2015

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

to LFO 12/10/15
back from LFO 12/22/15

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement:	Alison Borchgrevink	Dept.:	BESE
Phone:	(225) 342-1393	Office:	
Return Address:	P.O. Box 94064	Rule Title:	Advisory Councils
	Baton Rouge, LA 70804		(LAC 28:I.503)
		Date Rule Takes Effect:	Upon BESE final adoption

SUMMARY
(Use complete sentences)

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 changes to Louisiana Administrative Code, Title 28, Part I, §503 repeal a policy creating the Textbook/Media/Library Advisory Council (TMLAC) and establishing its membership and operations. These revisions are being made in response to Act 389 of the 2015 Regular Legislative Session, which revised procedures for the adoption, review, procurement, and distribution of textbooks and other instructional materials for use in elementary and secondary schools. The Act specifically repealed statutes authorizing the TMLAC, instead requiring BESE to prescribe a process for textbook review, adoption, procurement, and distribution. As a part of this process, members of the public will have the opportunity to view textbooks under review and submit comments during the review period and prior to final adoption (R.S. 17:351.1).

This policy change will have no fiscal effect other than an estimated cost of $426 to advertise in the Louisiana Register (two pages at the cost of $213 per page).

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

This action will have no effect on revenue collections of state or local government units.

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

This action will have no effect on cost and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This action will have no effect on competition or employment.

Shan N. Davis
Signature of Agency Head or Designee

Evan Brasseaux, Staff Director
Legislative Fiscal Officer or Designee

Shan N. Davis, Executive Director
Typed Name & Title of Agency Head or Designee

12-8-15
Date of Signature

12/21/15
Date of Signature

RECEIVED
DEC 10 2015
Legislative Fiscal Office

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).

   The changes to Louisiana Administrative Code, Title 28, Part I, §503 repeal a policy creating the Textbook/Media/Library Advisory Council (TMLAC) and establishing its membership and operations.

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

   These revisions are being made in response to Act 389 of the 2015 Regular Legislative Session, which revised procedures for the adoption, review, procurement, and distribution of textbooks and other instructional materials for use in elementary and secondary schools. The Act specifically repealed statutes authorizing the TMLAC, instead requiring BESE to prescribe a process for textbook review, adoption, procurement, and distribution. As a part of this process, members of the public will have the opportunity to view textbooks under review and submit comments during the review period and prior to final adoption (R.S. 17:351.1).

   BESE staff prepared the revisions to §503 in this notice of intent, which BESE members approved at the December 2015 board meeting.

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, there will be no increase in the expenditure of funds as a result of this action.

   (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	FY 15-16	FY 16-17	FY 17-18
Personal Services	$0	$0	$0
Operating Expenses	$0	$0	$0
Professional Services	$0	$0	$0
Other Charges	$426	$0	$0
Equipment	$0	$0	$0
Major Repairs & Constr.	$0	$0	$0
TOTAL	**$426**	**$0**	**$0**
POSITIONS (#)	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.

   The cost of advertising in the State Register will be approximately $426.00.

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

SOURCE	FY 15-16	FY 16-17	FY 17-18
State General Fund	$426	$0	$0
Agency Self-Generated	$0	$0	$0
Dedicated	$0	$0	$0
Federal Funds	$0	$0	$0
Other (Specify)	$0	$0	$0
TOTAL	**$426**	**$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, this agency has sufficient funds available.

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 no such impact on any government entities as a result of this action

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

   There will be no fiscal impact on local government units as a result of this change.

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?

REVENUE INCREASE/DECREASE	FY 15-16	FY 16-17	FY 17-18
State General Fund	$0	$0	$0
Agency Self-Generated	$0	$0	$0
Dedicated Funds*	$0	$0	$0
Federal Funds	$0	$0	$0
Local Funds	$0	$0	$0
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 will be no effect on revenue collections as a result of this action.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL 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 will be no such impact as a result of this action.

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.

There will be no such impact as a result of this action.

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.

There will be no such impact as a result of this action.

COMPARISON DOCUMENT

TITLE 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 5. Organization

§503. Advisory Councils

A. – C.3.d.ii. . . .

~~4. Textbook/media/library advisory council:~~

~~a. authority—per state statute (R.S. 17:415.1);~~

~~b. membership—14 members as follows:~~

~~i. one member of the legislature (state senator), recommended by the senate president;~~

~~ii. one member of the legislature (state representative), recommended by the speaker of the house;~~

~~iii. one member recommended by the governor; and~~

~~iv. eleven members, one member recommended by each board member, from the member's assigned category, as follows:~~

~~(a). one teacher, grades K-6;~~

~~(b). one teacher, grades 7-12;~~

~~(c). one teacher (any grade) or coordinator of technology;~~

~~(d). two school librarians;~~

~~(e). one curriculum supervisor;~~

~~(f). two textbook supervisors;~~

~~(g). one parent or business representative;~~

~~(h). one LEA superintendent; and~~

~~(i). one school principal;~~

~~c. referrals/responsibilities:~~

~~i. Advise the board on policy and procedure issues relating to the textbook adoption process.~~

~~ii. Consider all matters referred by the board or the LDE.~~

D. - G.8. . . .

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

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