

NOTICE OF INTENT
Board of Elementary and Secondary Education
(LAC 28:XI.405, 409)

Under the authority granted in R.S. 17:6 and 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 proposes to amend *Bulletin 111—The Louisiana School, District*. The proposed amendments include a measure of progress to English language proficiency for English learners in the assessment index of the accountability formula.

Title 28
EDUCATION

Part XI. Accountability/Testing

Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System

Chapter 4. Assessment and Dropout/Credit Accumulation Index Calculations

§405. Calculating a K-8 Assessment Index
[Formerly LAC 28:LXXXIII.405]

A. ...

* * *

B. Beginning no earlier than the 2019-2020 school year, the kindergarten through eighth grade assessment index will also include a measure of progress to English language proficiency for English learners. The improvement of every English learner eligible to participate in ELPT counts in equal weight to all other exams.

1. The 2018-2019 school year will be a designated learning year.

a. English language proficiency progress results will be calculated but not included in 2018-2019 school performance scores.

b. As required by the federal Every Student Succeeds Act (ESSA), performance on the English language proficiency progress measure will be used for the purpose of identifying schools requiring comprehensive intervention in 2018-2019.

c. The Accountability Commission will review learning year results no later than August 2019.

2. For measuring progress on the ELPT assessment, the overall proficiency scores will be organized into the following levels:

- a. emerging—all domain scores are one or two;
- b. progressing 1—at least one domain score of three and the lowest domain score is one;
- c. progressing 2—at least one domain score of three and the lowest domain score is two;
- d. progressing 3—at least one domain score of three and the lowest domain score is three; and
- e. transitioning—all domain scores are four or five.

3. Each English learner expected trajectory to proficiency will be determined as follows.

a. The initial proficiency level for each English learner will be determined based on the ELPT assessment results from the school year in which the student was first enrolled in a Louisiana public school and participated in the ELPT assessment.

b. If a student exits the United States for one or more school years following the initial ELPT assessment and later reenrolls in Louisiana, the student will be considered a new student for the purpose of determining the initial proficiency level.

c. For students first identified in prekindergarten through fifth grade, use the initial ELPT proficiency level and number of years identified as defined in the table below.

Trajectory to English Language Proficiency: Students First Identified in Grades PK-5				
Initial ELPT Proficiency Level	Year 2	Year 3	Year 4	Year 5 and Beyond
Emerging (E)	P1	P2	P3	T
Progressing 1 (P1)	P2	P3	T	T
Progressing 2 (P2)	P3	T	T	T
Progressing 3 (P3)	T	T	T	T
Transitioning (T)	N/A	N/A	N/A	N/A

d. For students first identified in sixth through twelfth grade, use the initial ELPT proficiency level and number of years identified as defined in the following table.

Trajectory to English Language Proficiency: Students First Identified in Grades 6-12						
Initial ELPT Proficiency Level	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7 and Beyond
Emerging (E)	P1	P2	P2	P3	P3	T
Progressing 1 (P1)	P2	P2	P3	P3	T	T

Trajectory to English Language Proficiency: Students First Identified in Grades 6-12						
Initial ELPT Proficiency Level	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7 and Beyond
Progressing 2 (P2)	P2	P3	P3	T	T	T
Progressing 3 (P3)	P3	T	T	T	T	T
Transitioning (T)	N/A	N/A	N/A	N/A	N/A	N/A

e. An ELPT score exceeds the trajectory if the score is at least one level higher than expected and meets the trajectory if the score is the same level as expected based on the tables above.

4. The level of progress on the ELPT assessment will be included in the kindergarten through eighth grade assessment index for each English learner according to the following table.

ELPT Progress Assessment Index Points	
Outcome	ELP Index Points
ELPT level exceeds trajectory	150
ELPT level meets trajectory	100
ELPT level is at least one above the prior year	80
ELPT level is the same or lower than the prior year	0

C. ...

D. Weight each ELP index score by six.

E. Sum all weighted subject-test and ELP index scores.

F. Sum all weights applied to subject-test and ELP index scores from the tables in Subsections C and D of this Section.

G. Divide the sum from Subsection F of this Section by the total scores.

H. When eighth grade students only participate in the algebra I exam but not the grade-level math assessment, the algebra I test results will be used in the middle school assessment index (80 for basic, 100 for good/mastery, and 150 for excellent/advanced) and will be weighted by content as noted in the table above. Middle schools will also earn incentive points for all EOC or high school LEAP 2025 scores of good/mastery or excellent/advanced earned during the same year in which the test was administered.

1. Incentive points will be awarded as follows:

- a. excellent or advanced = 50; and
- b. good or mastery = 25.

I. The policy outlined in Subsection G of this Section will also apply to combination schools. The EOC or high school LEAP 2025 score will be used in middle school results for the year in which the assessment is taken, incentive points may be awarded, and the score will be banked for use in the high school score once the student arrives in ninth grade, as outlined in §409.A.3.

J. In the 2017-2018 school year, the science test will be administered as a field test only. When calculating the kindergarten through eighth grade assessment index for the 2017-2018 school year, either the 2015-2016 or 2016-2017 science assessment index, whichever yields the higher school performance score, will be used as the science component of the overall assessment index and will be weighted by the 2017-2018 social studies assessment index tested population in order to limit impact of population changes from prior years.

K. In the 2018-2019 school year, the science test will be operational again. When calculating the kindergarten through eighth grade assessment index, for the 2018-2019 school year, either the 2016-2017 or 2018-2019 science assessment index, whichever yields the higher school performance score, will be used as the science component of the overall assessment index and will be weighted by the 2018-2019 social studies assessment index tested population in order to limit impact of population changes from prior years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 36:1989 (September 2010), LR 38:3106 (December 2012), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 42:2172 (December 2016), LR 44:448 (March 2018), LR 45:

§409. Calculating a 9-12 Assessment Index
[Formerly LAC 28:LXXXIII.409]

A. - A.4. ...

B. Beginning no earlier than the 2019-2020 school year, the ninth through twelfth grade assessment index will also include a measure of progress to English language proficiency for English learners. English learner improvement on the English language proficiency exam counts in equal weight to all other exams.

1. The 2018-2019 school year will be a designated learning year.

a. English language proficiency progress results will be calculated but not be included in 2018-2019 school performance scores.

b. As required by the federal Every Student Succeeds Act (ESSA), performance on the English language proficiency progress measure may be used for the purposes of identifying schools requiring comprehensive intervention in 2018-2019.

- c. The Accountability Commission will review learning year results no later than August 2019.
2. For measuring progress on the ELPT assessment, the overall proficiency score will be divided into the following levels.
- emerging: all domain scores are one or two;
 - progressing 1: at least one domain score of three and the lowest domain score is one;
 - progressing 2: at least one domain score of three and the lowest domain score is two;
 - progressing 3: at least one domain score of three and the lowest domain score is three; and
 - transitioning: all domain scores are four or five.
3. Each English learner expected trajectory to proficiency will be determined as follows.
- The initial proficiency level for each English learner will be determined based on the ELPT assessment results from the school year in which the student was first enrolled in a Louisiana public school and identified as an English learner in 2017-2018, whichever is most recent.
 - For students first identified in prekindergarten through fifth grade, consider the initial ELPT proficiency level and number of years identified using the following table.

Trajectory to English Language Proficiency: Students First Identified in Grades PK-5				
Initial ELPT Proficiency Level	Year 2	Year 3	Year 4	Year 5 and Beyond
Emerging (E)	P1	P2	P3	T
Progressing 1 (P1)	P2	P3	T	T
Progressing 2 (P2)	P3	T	T	T
Progressing 3 (P3)	T	T	T	T
Transitioning (T)	N/A	N/A	N/A	N/A

- For students first identified in six through twelfth grade, consider the initial ELPT proficiency level and number of years identified using the following table.

Trajectory to English Language Proficiency: Students First Identified in Grades 6-12						
Initial ELPT Proficiency Level	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7 and Beyond
Emerging (E)	P1	P2	P2	P3	P3	T
Progressing 1 (P1)	P2	P2	P3	P3	T	T
Progressing 2 (P2)	P2	P3	P3	T	T	T
Progressing 3 (P3)	P3	T	T	T	T	T
Transitioning (T)	N/A	N/A	N/A	N/A	N/A	N/A

- An ELPT score exceeds the trajectory if the score is at least one level higher than expected and meets the trajectory if the score is the same level as expected based on the tables above.
3. The level of progress on the ELPT assessment shall be included in the kindergarten through eighth grade assessment index for each English learner according to the following table.

ELPT Progress Assessment Index Points	
Outcome	ELP Index Points
ELPT level exceeds trajectory	150
ELPT level meets trajectory	100
ELPT level is at least one above the prior year	80
ELPT level is the same or lower than the prior year	0

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 33:252 (February 2007), LR 36:1989 (September 2010), LR 37:2118 (July 2011), repromulgated LR 37:2382 (August 2011), amended LR 37:3200 (November 2011), LR 38:1212 (May 2012), LR 38:2357 (September 2012), LR 38:3106 (December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 40:1314 (July 2014), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 44:448 (March 2018), LR 45:

COMPARISON DOCUMENT

**Title 28
EDUCATION**

Part XI. Accountability/Testing

Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System

Chapter 4. Assessment and Dropout/Credit Accumulation Index Calculations

**§405. Calculating a K-8 Assessment Index
[Formerly LAC 28:LXXXIII.405]**

A. ...

* * *

B. ~~Beginning in the 2018-2019 no earlier than the 2019-2020 school year, the K-8 kindergarten through eighth grade assessment index will also include a measure of progress to English language proficiency for English learners. The improvement of Every English learner's eligible to participate in ELPT improvement on the English language proficiency exam counts in equal weight to all other exams.~~

1. The 2018-2019 school year will be a designated learning year.

a. English language proficiency progress results will be calculated but not included in 2018-2019 school performance scores.

b. As required by the federal Every Student Succeeds Act (ESSA), performance on the English language proficiency progress measure will be used for the purpose of identifying schools requiring comprehensive intervention in 2018-2019.

c. The Accountability Commission will review learning year results no later than August 2019.

2. For measuring progress on the ELPT assessment, the overall proficiency scores will be organized into the following levels:

a. emerging—all domain scores are one or two;

b. progressing 1—at least one domain score of three and the lowest domain score is one;

c. progressing 2—at least one domain score of three and the lowest domain score is two;

d. progressing 3—at least one domain score of three and the lowest domain score is three; and

e. transitioning—all domain scores are four or five.

3. Each English learner expected trajectory to proficiency will be determined as follows.

a. The initial proficiency level for each English learner will be determined based on the ELPT assessment results from the school year in which the student was first enrolled in a Louisiana public school and participated in the ELPT assessment.

b. If a student exits the United States for one or more school years following the initial ELPT assessment and later reenrolls in Louisiana, the student will be considered a new student for the purpose of determining the initial proficiency level.

c. For students first identified in prekindergarten through fifth grade, use the initial ELPT proficiency level and number of years identified as defined in the table below.

Trajectory to English Language Proficiency: Students First Identified in Grades PK-5				
Initial ELPT Proficiency Level	Year 2	Year 3	Year 4	Year 5 and Beyond
Emerging (E)	P1	P2	P3	T
Progressing 1 (P1)	P2	P3	T	T
Progressing 2 (P2)	P3	T	T	T
Progressing 3 (P3)	T	T	T	T
Transitioning (T)	N/A	N/A	N/A	N/A

d. For students first identified in sixth through twelfth grade, use the initial ELPT proficiency level and number of years identified as defined in the following table.

Trajectory to English Language Proficiency: Students First Identified in Grades 6-12						
Initial ELPT Proficiency Level	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7 and Beyond
Emerging (E)	P1	P2	P2	P3	P3	T
Progressing 1 (P1)	P2	P2	P3	P3	T	T
Progressing 2 (P2)	P2	P3	P3	T	T	T
Progressing 3 (P3)	P3	T	T	T	T	T
Transitioning (T)	N/A	N/A	N/A	N/A	N/A	N/A

e. An ELPT score exceeds the trajectory if the score is at least one level higher than expected and meets the trajectory if the score is the same level as expected based on the tables above.

4. The level of progress on the ELPT assessment will be included in the kindergarten through eighth grade assessment index for each English learner according to the following table.

ELPT Progress Assessment Index Points	
Outcome	ELP Index Points
ELPT level exceeds trajectory	150
ELPT level meets trajectory	100
ELPT level is at least one above the prior year	80
ELPT level is the same or lower than the prior year	0

C. ...

* * *

D. Weight each ELP index score by six.

DE. Sum all weighted subject-test and ELP index scores.

EF. Sum all weights applied to subject-test and ELP index scores from the tables above (in Subsections BC and D) of this Section.

FG. Divide the sum from Subsection DE of this Section by the total scores.

GH. When 8th eighth grade students only participate only in the algebra I exam and but not also the grade-level math assessment, the algebra I test results shall will be used in the middle school's assessment index (80 for basic, 100 for good/mastery, and 150 for excellent/advanced) and will be weighted by content as noted in the table above. Middle schools will also earn incentive points for all EOC or high school LEAP 2025 scores of good/mastery or excellent/advanced earned during the same year in which the test was administered.

1. Incentive points will be awarded as follows:

- a. excellent or advanced = 50; and
- b. good or mastery = 25.

HI. The policy, as outlined in Subsection FG of this Section, shall will also apply to combination schools. The EOC or high school LEAP 2025 score will be used in middle school results for the year in which the assessment is taken, incentive points may be awarded, and the score will be banked for use in the high school score once the student arrives in 9th-ninth grade, as outlined in §409.A.3.

IJ. In the 2017-2018 school year, the science test will be administered as a field test only. When calculating the K-8 kindergarten through eighth grade assessment index for the 2017-2018 school year, either the 2015-2016 or 2016-2017 science assessment index, whichever yields the higher school performance score, shall will be used as the science component of the overall assessment index and will be weighted by the 2017-2018 social studies assessment index tested population in order to limit impact of population changes from prior years.

JK. In the 2018-2019 school year, the science test will be operational again. When calculating the K-8 kindergarten through eighth grade assessment index, for the 2018-2019 school year, either the 2016-2017 or 2018-2019 science assessment index, whichever yields the higher school performance score, shall will be used as the science component of the overall assessment index and will be weighted by the 2018-2019 social studies assessment index tested population in order to limit impact of population changes from prior years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 36:1989 (September 2010), LR 38:3106 (December 2012), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 42:2172 (December 2016), LR 44:448 (March 2018), LR 45:

§409. Calculating a 9-12 Assessment Index
[Formerly LAC 28:LXXXIII.409]

A. - A.4. ...

B. Beginning in the 2018-2019 no earlier than the 2019-2020 school year, the ninth through twelfth grade 9-12 assessment index will also include a measure of progress to English language proficiency for English learners. Every English learner's improvement on the English language proficiency exam counts in equal weight to all other exams.

1. The 2018-2019 school year will be a designated learning year.

a. English language proficiency progress results will be calculated but not be included in 2018-2019 school performance scores.

b. As required by the federal Every Student Succeeds Act (ESSA), performance on the English language proficiency progress measure may be used for the purposes of identifying schools requiring comprehensive intervention in 2018-2019.

c. The Accountability Commission will review learning year results no later than August 2019.

2. For measuring progress on the ELPT assessment, the overall proficiency score will be divided into the following levels.

a. emerging: all domain scores are one or two;

b. progressing 1: at least one domain score of three and the lowest domain score is one;

c. progressing 2: at least one domain score of three and the lowest domain score is two;

d. progressing 3: at least one domain score of three and the lowest domain score is three; and

e. transitioning: all domain scores are four or five.

3. Each English learner expected trajectory to proficiency will be determined as follows.

a. The initial proficiency level for each English learner will be determined based on the ELPT assessment results from the school year in which the student was first enrolled in a Louisiana public school and identified as an English learner in 2017-2018, whichever is most recent.

b. For students first identified in prekindergarten through fifth grade, consider the initial ELPT proficiency level and number of years identified using the following table.

Trajectory to English Language Proficiency: Students First Identified in Grades PK-5				
Initial ELPT Proficiency Level	Year 2	Year 3	Year 4	Year 5 and Beyond
Emerging (E)	P1	P2	P3	T
Progressing 1 (P1)	P2	P3	T	T
Progressing 2 (P2)	P3	T	T	T
Progressing 3 (P3)	T	T	T	T
Transitioning (T)	N/A	N/A	N/A	N/A

c. For students first identified in six through twelfth grade, consider the initial ELPT proficiency level and number of years identified using the following table.

Trajectory to English Language Proficiency: Students First Identified in Grades 6-12						
Initial ELPT Proficiency Level	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7 and Beyond
Emerging (E)	P1	P2	P2	P3	P3	T
Progressing 1 (P1)	P2	P2	P3	P3	T	T
Progressing 2 (P2)	P2	P3	P3	T	T	T
Progressing 3 (P3)	P3	T	T	T	T	T
Transitioning (T)	N/A	N/A	N/A	N/A	N/A	N/A

d. An ELPT score exceeds the trajectory if the score is at least one level higher than expected and meets the trajectory if the score is the same level as expected based on the tables above.

3. The level of progress on the ELPT assessment shall be included in the kindergarten through eighth grade assessment index for each English learner according to the following table.

ELPT Progress Assessment Index Points	
Outcome	ELP Index Points
ELPT level exceeds trajectory	150
ELPT level meets trajectory	100
ELPT level is at least one above the prior year	80
ELPT level is the same or lower than the prior year	0

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 33:252 (February 2007), LR 36:1989 (September 2010), LR 37:2118 (July 2011), repromulgated LR 37:2382 (August 2011), amended LR 37:3200 (November 2011), LR 38:1212 (May 2012), LR 38:2357 (September 2012), LR 38:3106 (December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 40:1314 (July 2014), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 44:448 (March 2018), LR 45:

**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: LAC 28: Parts XI

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: _____



Date Submitted: 11/7/18

**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: LAC 28: Parts XI

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: 

Date Submitted: 4/7/18

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, December 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

Secondary Education

Phone: (225) 342-1501

Office: Policy

Return Address: P. O. Box 94064
Baton Rouge, LA

Rule Title: LAC 28: Part XI

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)

There will be indeterminable costs for local school districts as a result of the proposed revisions which provide for a measure of progress to English language proficiency for English learners in the assessment index of the accountability formula. Per the state accountability system, potential implications for schools which are labeled comprehensive intervention required include increased resource needs for evidence based intervention and improvement programs. There may be increased costs for the Department of Education (LDE) as such labels require increased involvement by the department for schools which do not make progress on improvement plans. These costs are indeterminable at this time and will depend upon the type and extent of intervention and supports provided.

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

Schools may be eligible for grants awarded by the LDE for improvement programs and initiatives.

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 as a result of the proposed policy revisions.


IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

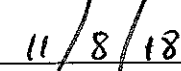
There are no estimated effects on competition and employment as a result of the proposed revisions.


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


Date of Signature


Date of Signature

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).

As required under the federal Every Students Succeeds Act (ESSA) and established in the state ESSA plan, Louisiana will include a measure of progress to English language proficiency for English learners in the Assessment Index of the accountability formula.

Over a six-month period, a working group of Louisiana experts in English learner instruction, including schools and school systems serving a majority of English learners, guided the creation of the measures. The Louisiana Accountability Commission unanimously endorsed the working group recommendations on August 20, 2018. The revisions to Bulletin 111, *The Louisiana School, District, and State Accountability System*, are as follows: a letter grade of 'A' represents that students are on track to reach English language proficiency within five to seven years, as supported by research and national best practice; and due to the state transition to a new English language proficiency assessment during the 2017-2018 school year, the 2018-2019 school year will be a learning year in which results are calculated and provided to schools but not yet part of the final results. English language proficiency progress will be included in the accountability formula no earlier than the 2019-2020 school year.

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

The federal Every Students Succeeds Act (ESSA) and established in the state ESSA plan, Louisiana will include a measure of progress to English language proficiency for English learners in the Assessment Index of the accountability formula.

Over a six-month period, a working group of Louisiana experts in English learner instruction, including schools and school systems serving a majority of English learners, guided the creation of the measures. The Louisiana Accountability Commission unanimously endorsed the working group recommendations on August 20, 2018. The revisions to Bulletin 111, *The Louisiana School, District, and State Accountability System*, codify those recommendations.

- 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?

There may be increased costs for the Department of Education (LDE) as such labels require increased involvement by the department for schools which do not make progress on improvement plans. These costs are indeterminable at this time and will depend upon the type and extent of intervention and supports provided.

COSTS	FY18-19	FY19-20	FY20-21
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.

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

SOURCE	FY18-19	FY19-20	FY20-21
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED	-0-	-0-	-0-
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. LDE utilizes state and federal funding to provide supports and interventions.

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 proposed revisions which provide for a measure of progress to English language proficiency for English learners in the assessment index of the accountability formula. Per the state accountability system, potential implications for schools which are labeled comprehensive intervention required 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 utilize a mix of MFP, local revenues and federal funds; additional state support in the form of grants may also be available.

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?

The proposed revisions will not impact revenue collections of state and local governmental units.

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.

See above.

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.

The proposed revisions will not result in costs and/or economic benefits to directly affected persons or non-governmental groups.

- 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 an impact on competition and employment.