



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION
P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064 · PHONE: 225-342-5840 · FAX: 225-342-5843

October 3, 2016

MEMORANDUM

James Garvey
1st BESE District

Kira Orange Jones
2nd BESE District

Sandy Holloway
3rd BESE District

Tony Davis
4th BESE District

Gary Jones
5th BESE District

Kathy Edmonston
6th BESE District

Holly Boffy
7th BESE District

Jada Lewis
8th BESE District

Thomas Roque
Member-at-Large

Lurie Thomason
Member-at-Large

Doris Voltier
Member-at-Large

TO: Senator John A. Alario, Jr., Senate President
Representative Taylor F. Barras, Speaker of the House
Senator Dan "Blade" Morrish, Chair, Senate Committee on Education
Representative Nancy Landry, Chair, House Committee on Education

FROM: James D. Garvey, Jr., President
Board of Elementary and Secondary Education

RE: Summary Report on Board of Elementary and Secondary Education Proposed Rulemaking

Pursuant to R.S. 49:968(D)(1)(b), the Board of Elementary and Secondary Education (BESE) hereby submits to you this summary report and announces its plan to proceed with rulemaking by finalizing the August 20, 2016, Notice of Intent (NOI) that was promulgated on pages 1328 - 1331 of the *Louisiana Register*.

On September 6, 2016, BESE received one written request for a public hearing, including comments, from Ms. Delery Rice, Chairperson, Louisiana Developmental Disabilities Council.

In response to this request, a public hearing was held on September 29, 2016. Oral testimony was given and written correspondence was received regarding these proposed Rules.

At its October 12, 2016, meeting, the Board will consider ratifying the attached "Summary of Public Comments and Agency Response" (SPCAR), as submitted by the Board President. In addition, it will consider rescinding action taken in August 2016 regarding revisions to Bulletin 1922, §311. Activities Conducted During the On-Site Visit, as a result of the public hearing; directing BESE staff to proceed with the final adoption of the August 20, 2016, Notice of Intent regarding Bulletin 1922, with the exception of §311. Activities Conducted During the On-Site Visit; and approving, as a Notice of Intent, revisions to Bulletin 1922, *Compliance Monitoring Procedures*, §311. Activities Conducted During the On-Site Visit, as presented by the LDE.

Subject to legislative oversight by either the House Committee on Education or Senate Committee on Education, and approval of the action recommended in the SPCAR, the Board will proceed with the adoption of the Notice of Intent as a final Rule in the November 20, 2016, issue of the *Louisiana Register*.

The following documents are attached:

1. a copy of the Notice of Intent for Bulletin 1922;
2. the public hearing certification; and
3. a "Summary of Public Comments and Agency Response, including Appendix A and Appendix B.

JDG/SND:naf

Attachments (3)

- c: Jeanne Johnston, Senior Analyst, Senate Committee on Education
Cheryl Serrett, Analyst, Senate Committee on Education
Nancy Jolly, Senior Legislative Analyst, House Committee on Education
Ryan Gremillion, Policy Director, Louisiana Department of Education
Shan N. Davis, Executive Director, BESE
Kevin Calbert, Communications Manager, BESE

Shan N. Davis
Executive Director

John C. White
State Superintendent

experience, a graduate degree from a regionally accredited institution, and a passing score on the requisite educational leader exam. The proposed revisions align policy with Act 130 of the 2016 Regular Legislative Session.

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

This policy change 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 NONGOVERNMENTAL GROUPS (Summary)

The proposed change adds an additional certification category for professionals who meet the specified criteria to be eligible for leadership roles in special education, which could result in increased job opportunities and/or higher salary expectations for those affected individuals. However, school districts would not be obligated to increase salary ranges, as that is a local decision.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed change could increase the number of eligible individuals who qualify to serve as administrators in leadership positions in the field of special education.

Beth Scioneaux
Deputy Superintendent
1608#039

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

**Bulletin 1922—Compliance Monitoring Procedures
(LAC 28:XCL Chapters 1-3)**

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 the revision of *Bulletin 1922—Compliance Monitoring Procedures*: §101, Monitoring; §105, Local Educational Agencies (LEAs); §107, Corrective Action and Sanctions; §109, Components of the Continuous Improvement Monitoring Process; §301, Categories of Monitoring; §303, Timelines; §305, On-Site Visits; §307, Regulatory Issues Reviewed On-Site; §311, Activities Conducted During the On-Site Visit; and §313, Activities/Procedures at the Completion of the On-Site Visit. Bulletin 1922 outlines the processes for special education monitoring in Louisiana. The proposed revisions align state policy with data privacy statutes, place local education agencies (LEAs) in tiered categories for monitoring selection (low, moderate, and high-risk); add types 1B and 3B charter schools to list of LEAs subject to monitoring; add LEA determinations to list strategies and components that may be utilized during the monitoring process; and allow on-site visits to be conducted by state-authorized individuals with training and experience in the program areas that are being monitored.

**Title 28
EDUCATION**

**Part XCI. Bulletin 1922—Compliance Monitoring
Procedures**

Chapter I. Overview

§101. Monitoring

A. - B. ...

C. The quantitative data will be used to determine specific performance profiles for local educational agencies (LEAs) using data relative to a set of variables referenced in 101B. Performance profiles will be issued annually. The quantitative data will be collected in relation to a set of variables selected by a statewide group of stakeholders from various agencies and entities. This group will meet at least annually with the Louisiana Department of Education (LDE) to select only specific indicators that will be used to determine an LEA's performance status. Any changes to the process shall be presented to the Special Education Advisory Panel.

D. LEAs will be placed in tiered categories for monitoring selection. The three tiers of monitoring are low, moderate, and high-risk. Upon validation of quantitative data, LEAs will be notified of their performance status and monitoring event.

1. LEAs designated as high-risk will receive an on-site compliance monitoring visit in order to review qualitative data specific to selected qualitative indicators that focus on the LEA's lowest performing indicator areas. Additional data may be reviewed prior to and during the on-site visit.

2. The LEAs designated as continuous improvement or have a ranking of low or moderate-risk will not be targeted to receive an on-site compliance visit. Some districts may be required to develop a corrective action plan because of triggers within the data that signify concerns such as when the performance of students with disabilities is disproportionately below the state average in any of the required performance indicators. These performance indicators include, but are not limited to suspension, diploma, dropout, and state-wide assessment rates.

D.3. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:414 (March 2004), amended LR 31:3104 (December 2005), LR 37:3216 (November 2011), LR 42:

§105. Local Educational Agencies (LEAs)

A. Local educational agencies (LEAs) to be monitored are:

1. city or parish school systems;
2. special school district;
3. state Board of Elementary and Secondary Education special schools;
4. type 1B, 2, 3B (if acting as their own LEA) and 5 charter schools; and
5. university laboratory schools not under the administration of a school district.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:415 (March 2004), amended LR 31:3105 (December 2005), LR 42:

§107. Corrective Action and Sanctions

A. ...

B. The LDE is authorized to take actions, consistent with applicable law, necessary to ensure compliance. Failure on the part of a participating agency to comply may result in the LDE, with the approval of its governing authority, the Board of Elementary and Secondary Education (BESE),

withholding funds from the said agency. Prior to withholding any funds under this Section, the LDE shall provide reasonable notice and an opportunity for a hearing conducted by the BESE to the LEA involved.

C. LDE determines the need for a corrective action plan (CAP) to address findings of non-compliance on an individual LEA case-by-case basis. If the LDE requires a CAP, it will be developed in collaboration with the LDE following the LEA's receipt of the LDE's monitoring report. The CAP shall be submitted for approval to the LDE within 35 business days of receipt of the monitoring report. However, upon receipt of the report, the LEA shall immediately begin correcting the findings of non-compliance documented in the report. The plan will address the activities the LEA will implement to correct the areas of non-compliance identified during the on-site visit as soon as possible, but in no case more than one year from the date of the notification report from the LDE.

D. - E. ...

F. When continuing non-compliance is identified, the LDE will require that an intensive corrective action plan (ICAP) be developed by the LEA in collaboration with the LDE, to address the continuing noncompliance. In conjunction with the implementation of the approved plan, the LDE will impose one or more of the following sanctions described below:

1. - 2. ...

3. direct the LEA to use IDEA part B flow-through funds on the area or areas that the LEA is non-compliant. The LEA will submit evidence to the LDE of the specific funds targeted for areas of non-compliance. The LDE will monitor the expenditure of such funds on a consistent basis;

4. ...

5. identify the LEA as a high-risk grantee and impose special conditions on the LEA's IDEA part B grant. The LDE will impose one or more of the following special conditions:

a. for each year of continuing non-compliance, withhold not less than 20 percent and not more than 50 percent of the LEA's IDEA part B grant until the LDE determines the LEA has sufficiently addressed the areas in which the LEA needs intervention;

b. - d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:415 (March 2004), amended LR 31:3105 (December 2005), LR 32:1839 (October 2006), LR 37:3216 (November 2011), LR 42:

§109. Components of the Continuous Improvement Monitoring Process

A. - B.5. ...

6. analyze FAPE tables and other mandated federal data reporting (i.e., e.g. personnel tables, child count data, LEA determinations);

7. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:418 (March 2004), amended LR 31:3107 (December 2005), LR 32:1840 (October 2006), LR 37:3217 (November 2011), LR 42:

Chapter 3. Operational Procedures for Compliance Monitoring

§301. Categories of Monitoring

A. All LEAs are placed in performance profile categories on an annual basis. The performance profile is based upon an analysis of quantitative data collected by the LDE.

B. Monitoring will focus on the variables selected annually as risk indicators. LEAs will be ranked into tiered categories for purposes of monitoring selection. On-site visits will be determined based on a variety of compliance and performance measures. LEAs designated as high-risk will be subject to on-site compliance visits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:417 (March 2004), amended LR 31:3106 (December 2005), LR 37:3217 (November 2011), LR 42:

§303. Timelines

A. A schedule of LEAs selected for monitoring will be issued to LEAs by September of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:417 (March 2004), amended LR 31:3106 (December 2005), LR 37:3217 (November 2011), LR 42:

§305. On-Site Visits

A. On-site visits will be conducted by individuals authorized by the state with training and experience in the program areas that they will be monitoring.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:417 (March 2004), amended LR 31:3106 (December 2005), LR 37:3218 (November 2011), LR 42:

§307. Regulatory Issues Reviewed On-Site

A. For high-risk LEAs, the regulatory issues, qualitative and quantitative indicators reviewed will be specific to the variables targeted in the LEA's performance profile. These visits will focus on selected issues. In the event that other critical issues or triggers are identified by means other than the performance profiles, the LDE will direct the team to monitor those issues for non-compliance. These other means may include, but are not limited to, complaint logs, evaluation extension requests, and financial risk assessments.

B. - C.13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:417 (March 2004), amended LR 31:3107 (December 2005), LR 37:3218 (November 2011), LR 42:

§311. Activities Conducted During the On-Site Visit

A. ...

B. Individuals authorized by the state will conduct a parent focus group meeting and interview parents to collect data/information on their satisfaction of the services provided to their children and their involvement in their children's program.

C. LDE team members will visit sites, make observations, review records, and interview personnel.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:418 (March 2004), amended LR 31:3107 (December 2005), LR 37:3218 (November 2011), LR 42:

§313. Activities/Procedures at the Completion of the On-Site Visit

A. At the completion of the on-site visit, the team will meet to discuss, review, and analyze the team findings and to summarize their findings on LDE-issued forms. An LDE team member will meet with representatives of the LEA at the conclusion of the on-site visit.

B. - D. ...

E. The LEA, in collaboration with the LDE, will be required to design a corrective action plan that defines specific supports and resources that the LEA must have in order to implement the corrective action plan. The CAP must demonstrate how the LEA will:

1. correct each individual case of noncompliance; and
2. correctly implement the specific regulatory requirement.

F. - G. ...

H. If there is no responses from the LEA within the established timelines, the LDE may implement any of the corrective actions or sanctions as described in Section 107.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:418 (March 2004), amended LR 31:3107 (December 2005), LR 37:3218 (November 2011), LR 42:

Family Impact Statement

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.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

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 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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., September 8, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 1922—Compliance Monitoring Procedures

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

The proposed policy revisions may result in an increase in expenditures of the Department of Education; however, the extent of such increases is indeterminable at this time. Monitoring activities are funded with federal IDEA funds.

Bulletin 1922 outlines the processes for special education monitoring in Louisiana. The proposed revisions, place local education agencies (LEAs) in tiered categories for monitoring selection - low, moderate, and high risk and add Types IB and 3B charter schools to the list of LEAs subject to monitoring. These changes are expected to increase the number of required on-site visits, as well as change the type of monitoring for the

new categories, which may increase monitoring costs. The changes add LEA determinations to the list of strategies and components that may be utilized during the monitoring selection process. Finally, in light of state privacy laws, parents will no longer be eligible to serve on the teams that conduct monitoring activities involving student information. These activities may only be conducted by state-authorized individuals with training and experience in the program areas that are being monitored. However, there is no anticipated impact as this has been the department's practice since July 2015.

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

This policy change 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 NONGOVERNMENTAL GROUPS (Summary)

There will be no estimated cost and/or economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
1608#031

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Division**

**Emission Reduction Credits (ERC) from
Mobile Sources (LAC 33:III.Chapter 6)(AQ365)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.603, 605, 606, 607, 611, 617 and 619 (AQ365).

LAC 33:III.Chapter 6 currently limits participation in the Emission Reduction Credit (ERC) Banking Program to stationary point sources. "Stationary point source" is defined as "any building, structure, facility, or installation that emits or may emit any air pollutant subject to regulation under the Clean Air Act." Stationary point sources include fugitive emissions, but exclude mobile sources such as cars, trucks, motorcycles, marine vessels, locomotives, and nonroad engines. This rulemaking will allow creditable (i.e., surplus, permanent, quantifiable, and enforceable) reductions from certain mobile sources to qualify as ERC.

This rulemaking will also clarify that minor sources eligible to participate in the ERC Banking Program must have been operating under an air permit and subject to the emissions inventory reporting requirements of LAC 33:III.919 during the baseline period. On October 1, 2015, the Environmental Protection Agency (EPA) lowered the 8-hour national ambient air quality standard (NAAQS) for ozone to 0.070 parts per million (i.e., 70 parts per billion). EPA will designate areas as attainment, nonattainment, or unclassifiable with respect to the new standard in late 2017 based on 2014-2016 air quality data.

Based on current design values (2013 through 2015), Baton Rouge would be designated as a marginal nonattainment area. In addition, New Orleans has a design value of 70 ppb and could potentially fall out of compliance with the new standard before designations are made.

In order to encourage broad reductions in NO_x and VOC emissions that will be needed to comply with the revised ozone NAAQS, LDEQ will amend Chapter 6 to allow creditable reductions from certain mobile sources to qualify as ERC and therefore be used as offsets under the nonattainment new source review (NNSR) program, LAC 33:III.504.

In order to construct a new major stationary source or major modification in an ozone nonattainment area, federal and state regulations require the owner or operator to offset significant increases in NO_x and VOC emissions resulting from the new source or modification. If the necessary offsets cannot be secured, a permit for the project cannot be issued. Therefore, expanding the source types from which ERC can be generated may also serve to facilitate economic growth. The basis and rationale for this Rule are to allow creditable NO_x and VOC reductions from certain mobile sources to qualify as ERC and therefore be used as offsets for NNSR purposes. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

**Chapter 6. Regulations on Control of Emissions
through the Use of Emission Reduction
Credits (ERC) Banking**

§603. Applicability

A. Major stationary sources are subject to the provisions of this Chapter for the purpose of utilizing emission reductions as offsets in accordance with LAC 33:III.504. Minor stationary sources located in nonattainment areas may submit ERC applications for purposes of banking, provided the source was operating under an air permit and subject to the emissions inventory reporting requirements of LAC 33:III.919 during the baseline period. Sources located in EPA-designated attainment areas may not participate in the emissions banking program, except as specified in Subsection C of this Section.

B. - C. ...

D. Eligible Sources. Sources for which emission reduction credits may be created and banked include the following source types:

1. stationary point sources;
2. on-road mobile sources, including cars, trucks, and motorcycles;
3. marine vessels;
4. locomotives; and
5. nonroad engines as defined in LAC 33:III.502.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:874 (August 1994), amended LR 24:2239 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 28:301 (February 2002), amended

Potpourri

POTPOURRI

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

Supplement to Annual Quarantine Listing for 2016
Sweet Potato Weevil (LAC 7:XV.Chapter 1)

In accordance with the Administrative Procedure Act (R.S. 49:950 et seq.), R.S. 3:1652, R.S. 3:1732 and LAC 7:XV.107 and 109, the annual quarantine listing for 2016 is being supplemented to include the following quarantines and locations.

1.0 Sweetpotato Weevil (*Cylas formicarius elegantulus* Sum)

- (a). ...
(b). In the state of Louisiana:
1). ...
2). The properties located at the following coordinates: -91.635682, 32.004793, -91.644937, 32.005773; 32.480556, -91.505, and any properties within a 300-yard radius of these coordinates.

Mike Strain, DVM
Commissioner

1609#048

POTPOURRI

Board of Elementary and Secondary Education

Notice of Public Hearing—Bulletin 1922—Compliance
Monitoring Procedures (LAC 28:XCI.Chapters 1-3)

On June 22, 2016, the State Board of Elementary and Secondary Education (BESE) approved, as a Notice of Intent, revisions to *Bulletin 1922—Compliance Monitoring Procedures*: §101, Monitoring; §105, Local Educational Agencies (LEAs); §107, Corrective Action and Sanctions; §109, Components of the Continuous Improvement Monitoring Process; §301, Categories of Monitoring; §303, Timelines; §305, On-Site Visits; §307, Regulatory Issues Reviewed On-Site; §311, Activities Conducted During the On-Site Visit; and §313, Activities/Procedures at the Completion of the On-Site Visit. This Notice of Intent was published on pages 1328-1331 of the August 20, 2016 issue of the *Louisiana Register*. A request for a public hearing on this Notice of Intent was received. In accordance with R.S. 49:953.A(2)(a) and R.S. 49:953.A(2)(b)(i), BESE will hold a public hearing on September 29, 2016 at 1:00 p.m. in Room 1-100, the Louisiana Purchase Room, located in the Claiborne Building, 1201 North Third Street, Baton Rouge, LA.

Shan N. Davis
Executive Director

1609#081

POTPOURRI

Department of Natural Resources Office of Conservation

Orphaned Oilfield Sites

Office of Conservation records indicate that the oilfield sites listed in the table below have met the requirements as set forth by section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared orphaned oilfield sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Paradigm Operating, Inc.	Liverpool	L	Vua;Lucy Lee	001	227109
Paradigm Operating, Inc.	Liverpool	L	Vub;Mina Travis	001	227762
Paradigm Operating, Inc.	Liverpool	D	Lucy Lee Swd	002	236734
Southern Oil and Gas Company	Caddo Pine Island	S	T M Hart A	005	194982
Sally Oil Company	Caddo Pine Island	S	Mathieu	001	159831
Sally Oil Company	Caddo Pine Island	S	Mathieu	002	159832
Sally Oil Company	Caddo Pine Island	S	Mathieu	004	173232
Palmer Corp. of La.	Wildcat-No La Monroe Dist	M	Holdiness	001	14312
Sellwood, Myers	Caddo Pine Island	S	Davidson	001	17576
J. C. Carradine	Welsh	L	Welsh	003	5391
John P.L. Griffin	Caddo Pine Island	S	J Wall	001	23952
Orleans Oil And Gas Corporation	Wildcat-So La Lafayette Dist	L	Dominion	002	6162
V. H. Brumley	Pendleton-Many	S	Mrs Kate Lucius et al	001	96374
Hunt Oil Co., et al	Wildcat-No La Monroe Dist	M	Angelina Hardwood Co	C-5	46882

Summary of Public Comments and Agency Response *Proposed Revisions to Bulletin 1922, Compliance Monitoring Procedures*

Background

At its June 22, 2016 meeting, the Board of Elementary and Secondary Education (BESE) approved revisions to Bulletin 1922, *Compliance Monitoring Procedures*, as Notice of Intent pursuant to the Administrative Procedure Act and the Louisiana Administrative Code. The revisions align state policy with recently-enacted data privacy statutes, place Local Education Agencies (LEAs) in tiered categories for monitoring selection, add Type 3B charter schools to list of LEAs subject to monitoring, add LEA determinations to list of strategies and components that may be utilized during the monitoring process, and allow on-site visits to be conducted by LDE-authorized individuals with training and experience in the program areas that are being monitored. The Notice of Intent was published in the August 20, 2016, issue of the *Louisiana Register*.

Per the Louisiana Administrative Code, interested parties may make a request to the BESE Executive Director for a public hearing on agency Notice(s) of Intent, provided such request is made within twenty days of publication of the Notice(s) of Intent in the *Louisiana Register*. On September 13, 2016, Ms. Delery Rice, chairperson of the Louisiana Development Disabilities Council, made such a request for a public hearing regarding the adoption of revisions to Bulletin 1922 (Appendix A). That public hearing was held on September 29, 2016. Below is a summary of the public comments received as well as BESE's response.

Summary of Comments Received at the September 29, 2016, Public Hearing

Seventeen (17) individuals, excluding staff from BESE, the state Department of Education, and the Louisiana Legislature, attended the public hearing. Of those in attendance, nine (9) individuals offered testimony. Five (5) commenters submitted cards indicating opposition to recommendations. Four (4) commenters submitted cards indicating support of the recommendations. Copies of the cards and sign-in sheets are attached as Appendix B.

Speakers included parents, representatives of education and parent advocacy groups, and LEA representatives. The speakers stressed the importance of compliance monitoring in the delivery of high-quality special education services and the vital role parents have played in this process over the years. However, commenters disagreed as to which factors should guide the selection process for risk-based monitoring. Commenters also disagreed on the extent to which state law allows parents to participate as team members on on-site monitoring visits.

Agency Response

Act 837 of the 2014 Regular Legislative Session prohibits local school system and charter school officials and employees from sharing personally identifiable student information with local school board members and any other person or public or private entity. This necessitated revisions to BESE regulations to clarify those classes of individuals permitted to serve as monitoring team members during on-site monitoring visits. These revisions were recommended by a group of stakeholders, including parents of students with disabilities and special education directors, in April 2016; received by the Special Education Advisory Panel (SEAP) in May 2016; and approved by the Board in June 2016.

However, in recognition of the value parents have historically brought to the compliance monitoring process, the LDE recommends further revisions to Bulletin 1922, *Compliance Monitoring Procedures*: §311. Activities Conducted During the On-Site Visit, to ensure parents continue to benefit from the opportunity to ask questions and offer feedback during an organized forum, while also adhering to state privacy laws. Historically, the on-site monitoring team's parent team member has facilitated a parent focus group meeting during the on-site monitoring visit of an LEA to allow for parents to engage with team members and other parents, a practice that is no longer allowed given the prohibitions against the sharing of personally identifiable student information in Act 837. The proposed revisions require the LDE's monitoring team to schedule and facilitate those focus group meetings formerly facilitated by the on-site monitoring team's parent team member, during on-site monitoring visits. At these meetings, which will be conducted in an evening town hall setting, facilitators from the LDE's monitoring team will be available to address any concerns of parents who may be uncomfortable with sharing confidential information in a public forum. The Board will consider the proposed revisions at its October 2016 meeting. The LDE does not recommend further revisions to Bulletin 1922, *Compliance Monitoring Procedures*, §101. Monitoring; §105. Local Education Agencies (LEAs); §107. Corrective Action and Sanctions; §109. Components of the Continuous Improvement Monitoring Process; §301. Categories of Monitoring; §303. Timelines; §305. On-Site Visits; §307. Regulatory Issues Reviewed On-Site; and §313. Activities/Procedures at the Completion of the On-Site Visit.



Louisiana Developmental Disabilities Council



SELF-DETERMINATION ♦ INDEPENDENCE ♦ PRODUCTIVITY ♦ INTEGRATION ♦ INCLUSION

September 1, 2016

Shan Davis, Executive Director
Board of Elementary and Secondary Education (BESE)
P.O. Box 94064, Capitol Station
Baton Rouge, LA 70804-9064

RECEIVED

SEP 06 2016

Board of Elementary
and Secondary Education

Dear Ms. Davis:

The Council requests a public hearing to address concerns regarding the proposed rule changes in Part XCL. Bulletin 1922 – Compliance Monitoring Procedures as posted on pages 1328- 1330 in the August 2016 Louisiana Registry (Vol.42, No. 08 August 20, 2016).

State monitoring of local school systems' implementation of special education serves as the primary mechanism for the Louisiana Department of Education (LDOE) to assure students with disabilities are provided appropriate education as required by the Individuals with Disabilities Education Act (IDEA). How, or whether, school systems are monitored plays a significant role in students with disabilities receiving appropriate special education supports and services.

The primary concern the Council has with the proposed changes to Bulletin 1922 echo the same major concern expressed by parents and self-advocates on the Special Education Advisory Panel (SEAP). In general, the concerns focus on parental involvement in the monitoring processes for special education services. The specific sections and recommended considerations to the proposed changes include:

§101. Monitoring, Section C.

Recommendation #1:

Do not remove the Continuous Improvement Monitoring Process (CIMP) Steering Committee. Developing monitoring targets is a huge task, too large to expect SEAP to handle adequately as the sole group responsible for this task, particularly given the time constraints imposed on SEAP meetings. It is also recommended for CIMP to include a larger number of parents of students with disabilities and Families Helping Families employees to provide more adequate feedback.

Recommendation #2:

Require CIMP recommendations to be endorsed by SEAP, not merely reported to SEAP.

§305. On-Site Visits, Section A.

Recommendation #3:

Maintain 'teams of qualified individuals' and do not restrict monitoring to LDOE staff. At the May 12, 2016 SEAP meeting LDOE staff indicated only five LDOE staff conduct on-site monitoring. It is not clear which five LDOE staff are responsible for this huge task, but five people responsible for the entirety of monitoring in the state are woefully inadequate. LDOE documents specify the person leading special education monitoring

Ms. Davis
September 1, 2016
Page 2

only has thirty percent (30%) of their salary covered by IDEA funding, indicating a lack of manpower to adequately monitor Louisiana schools for special education.

Furthermore, professionals working within LEAs already understand and abide by privacy requirements. It seems reasonable to have individuals serving on these monitoring teams to sign agreements of confidentiality and restrictions related to student information. To claim so few people can be authorized to conduct monitoring calls into question the assurance the State makes regarding students with disabilities receiving FAPE in accordance with IDEA.

§305, Section B.

Recommendation #4:

Maintain non-employees selected to serve on monitoring teams. This training and experience has previously served a significant function in building the capacity of educators from across the state and parents of students with disabilities.

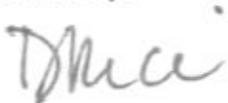
§311. Activities Conducted During the On-Site Visit, section B.

Recommendation #5:

Keep parents as team members with restricted role of conducting focus group meetings and interviewing parents. These activities are voluntary by parents in the school system(s) monitored. Parents serving in this capacity can still be required to maintain confidentiality of student information. A parent of a child with a disability as a team member would be more likely to get accurate data from the parents interviewed.

Your consideration of these recommendations and request for a public hearing will be appreciated. Please contact Shawn Fleming, the Council's Deputy Director, with any questions at shawn.fleming@la.gov.

Sincerely,



Delery Rice
Chairperson

DR/SF

①

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
COMMENT CARD FOR PUBLIC HEARINGS REGARDING NOTICES OF INTENT

DATE: 9/29/16

NAME: Karen Atkins
(PLEASE PRINT)

ADDRESS: PO Box 1152, Folsom LA

TELEPHONE NUMBER: 985-264-1186 70437

REPRESENTING: Parent
(ORGANIZATION/AGENCY/SELF)

WISH TO SPEAK (SUPPORT RECOMMENDATION)

WISH TO SPEAK (OPPOSE RECOMMENDATION)

SUPPORT RECOMMENDATION (NO COMMENTS)

OPPOSE RECOMMENDATION (NO COMMENTS)

Comments are limited to 3 minutes per person. Comments from groups/ organizations that designate one spokesperson are limited to 5 minutes.

②

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
COMMENT CARD FOR PUBLIC HEARINGS REGARDING NOTICES OF INTENT

DATE: 9/29/16

NAME: Shawn Fleming
(PLEASE PRINT)

ADDRESS: 4276 Sandbar Dr. Addis LA 70710

TELEPHONE NUMBER: 225 936-8474

REPRESENTING: self
(ORGANIZATION/AGENCY/SELF)

WISH TO SPEAK (SUPPORT RECOMMENDATION)

WISH TO SPEAK (OPPOSE RECOMMENDATION)

SUPPORT RECOMMENDATION (NO COMMENTS)

OPPOSE RECOMMENDATION (NO COMMENTS)

Comments are limited to 3 minutes per person. Comments from groups/ organizations that designate one spokesperson are limited to 5 minutes.

3

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
COMMENT CARD FOR PUBLIC HEARINGS REGARDING NOTICES OF INTENT

NAME: Shanee Holmes DATE: 9/29/16

ADDRESS: 20 Audubon Lane Madisonville, LA 70447
(PLEASE PRINT)

TELEPHONE NUMBER: 504-400-4589

REPRESENTING: Ashley McReynolds
(ORGANIZATION/AGENCY/SELF)

- WISH TO SPEAK (SUPPORT RECOMMENDATION)
- WISH TO SPEAK (OPPOSE RECOMMENDATION)
- SUPPORT RECOMMENDATION (NO COMMENTS)
- OPPOSE RECOMMENDATION (NO COMMENTS)

Comments are limited to 3 minutes per person. Comments from groups/ organizations that designate one spokesperson are limited to 5 minutes.

4

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
COMMENT CARD FOR PUBLIC HEARINGS REGARDING NOTICES OF INTENT

NAME: Christie Hollins Jackson DATE: 9-29-16

ADDRESS: 4434 Noble Lane Dr.
(PLEASE PRINT)

TELEPHONE NUMBER: (225) 620-3388

REPRESENTING: self
(ORGANIZATION/AGENCY/SELF)

- WISH TO SPEAK (SUPPORT RECOMMENDATION)
- WISH TO SPEAK (OPPOSE RECOMMENDATION)
- SUPPORT RECOMMENDATION (NO COMMENTS)
- OPPOSE RECOMMENDATION (NO COMMENTS)

Comments are limited to 3 minutes per person. Comments from groups/ organizations that designate one spokesperson are limited to 5 minutes.

5

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
COMMENT CARD FOR PUBLIC HEARINGS REGARDING NOTICES OF INTENT

NAME: AWN VENKAT DATE: 9/29/16
(PLEASE PRINT)

ADDRESS: _____

TELEPHONE NUMBER: 337 3652343

REPRESENTING: LEA
(ORGANIZATION/AGENCY/SELF)

- WISH TO SPEAK (SUPPORT RECOMMENDATION)
- WISH TO SPEAK (OPPOSE RECOMMENDATION)
- SUPPORT RECOMMENDATION (NO COMMENTS)
- OPPOSE RECOMMENDATION (NO COMMENTS)

Comments are limited to 3 minutes per person. Comments from groups/ organizations that designate one spokesperson are limited to 5 minutes.

6

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
COMMENT CARD FOR PUBLIC HEARINGS REGARDING NOTICES OF INTENT

NAME: Mary Doucet DATE: _____
(PLEASE PRINT)

ADDRESS: 1514 Hale St

TELEPHONE NUMBER: 337-448-3647

REPRESENTING: _____
(ORGANIZATION/AGENCY/SELF)

- WISH TO SPEAK (SUPPORT RECOMMENDATION)
- WISH TO SPEAK (OPPOSE RECOMMENDATION)
- SUPPORT RECOMMENDATION (NO COMMENTS)
- OPPOSE RECOMMENDATION (NO COMMENTS)

Comments are limited to 3 minutes per person. Comments from groups/ organizations that designate one spokesperson are limited to 5 minutes.

7

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
COMMENT CARD FOR PUBLIC HEARINGS REGARDING NOTICES OF INTENT

DATE: 11/28/10
NAME: Robert Paddy

(PLEASE PRINT)
ADDRESS: 7202 Laurel Ridge in Granwood, LA

TELEPHONE NUMBER: 318 938 7644

REPRESENTING: Parent / LADDC
(ORGANIZATION/AGENCY/SELF)

- WISH TO SPEAK (SUPPORT RECOMMENDATION)
- WISH TO SPEAK (OPPOSE RECOMMENDATION)
- SUPPORT RECOMMENDATION (NO COMMENTS)
- OPPOSE RECOMMENDATION (NO COMMENTS)

Comments are limited to 3 minutes per person. Comments from groups/ organizations that designate one spokesperson are limited to 5 minutes.

8

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
COMMENT CARD FOR PUBLIC HEARINGS REGARDING NOTICES OF INTENT

DATE: 11/28/10
NAME: BART THIBODEAUX

(PLEASE PRINT)
ADDRESS: 219 HWY 357 CP, LA 70008

TELEPHONE NUMBER: 337 521 7232

REPRESENTING: Lafayette Parish Schools
(ORGANIZATION/AGENCY/SELF)

- WISH TO SPEAK (SUPPORT RECOMMENDATION)
- WISH TO SPEAK (OPPOSE RECOMMENDATION)
- SUPPORT RECOMMENDATION (NO COMMENTS)
- OPPOSE RECOMMENDATION (NO COMMENTS)

Comments are limited to 3 minutes per person. Comments from groups/ organizations that designate one spokesperson are limited to 5 minutes.

9

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
COMMENT CARD FOR PUBLIC HEARINGS REGARDING NOTICES OF INTENT

DATE: 7/29/16
NAME: Doris Heckert
ADDRESS: 1150 E. River Oaks Dr. 70815 (PLEASE PRINT)
TELEPHONE NUMBER: 225-921-5910
REPRESENTING: Parent (self)
(ORGANIZATION/AGENCY/SELF)

- WISH TO SPEAK (SUPPORT RECOMMENDATION)
- WISH TO SPEAK (OPPOSE RECOMMENDATION)
- SUPPORT RECOMMENDATION (NO COMMENTS)
- OPPOSE RECOMMENDATION (NO COMMENTS)

Comments are limited to 3 minutes per person. Comments from groups/ organizations that designate one spokesperson are limited to 5 minutes.

INDIVIDUALS WHO OFFERED
TESTIMONY ARE INDICATED
BY *

BESE/LDE PUBLIC HEARING

Topic - Bulletin 1922, Compliance Monitoring Procedures: Chapters 1-3

Date - September 29, 2016

PERSONS IN ATTENDANCE

Name	Address	Telephone Number	AGENCY or GROUP you represent	Support	Oppose
Randall W. Brown Jr.	P.O. Box 62 Houghton, LA. 71037	318-458-2100	Council Member Louisiana DD Council		
* 1 Laren Ants	P.O. Box 1152 Polsen LA	985-264-1186	Parent		X
* 1 Robert Paddy	7202 Laurel Ridge Greenwood, LA 71032	318-938-7644	Parent DD Council Member		X
* 2 Shaun Fleming	4276 Sandbar Dr. Addis LA 70710	225-931-8474	Parent + Staff of DD Council		X
Angel Rem			DOE		
Kristi - Jo Preston			DOE		

INDIVIDUALS WHO OFFERED
TESTIMONY ARE INDICATED
BY *

BESE/LDE PUBLIC HEARING

Topic - Bulletin 1922, Compliance Monitoring Procedures: Chapters 1-3

Date - September 29, 2016

PERSONS IN ATTENDANCE

Name	Address	Telephone Number	AGENCY or GROUP you represent	Support	Oppose
* 3 Shanee Holmes	20 Andubon Lane Madisonville LA 70447	504-400-4589	Parent	✓	✓
Ashley Jurbarna-Nielson	20149 House Rd Covington LA	985-264-9500	Parent		✓
Phyllis Spitzer	5429 Essex Lane #4 RD, LA 70809	225-342-0223	LDE-IDEA Monitoring	✓	
* 9 Davis Hecken	1150 E. River Oaks Dr. BR 70816	225-921-5910	Parent		✓
* 5 Ann Verret	1704 Daspit Rd New Iberia, LA 70563	337-365-2343	LEA	✓	
* 4 Christie H. Jackson	4434 Noble Care Dr B.R. LA 70814	(225)620-3348	Self	✓	

INDIVIDUALS WHO OFFERED
TESTIMONY ARE INDICATED
BY *

BESE/LDE PUBLIC HEARING

Topic -- Bulletin 1922, Compliance Monitoring Procedures: Chapters 1-3

Date -- September 29, 2016

PERSONS IN ATTENDANCE

Name	Address	Telephone Number	AGENCY or GROUP you represent	Support	Oppose
Kathleen Edmonstone		225-328-5832	BESE		
Melissa Anders		342-0956	LDOE		
* 8 Sarah Hibbard		521.7232	LASS		
* 6 Mary Doucet			St. Landry		
Bandi Polotoka		225-342-6857	Gov. Office of Disability Affairs		
Kimmarie Quintana			FHF		

INDIVIDUALS WHO OFFERED
TESTIMONY ARE INDICATED
BY *

BESE/LDE PUBLIC HEARING

Topic - Bulletin 1922, Compliance Monitoring Procedures: Chapters 1-3

Date - September 29, 2016

PERSONS IN ATTENDANCE

Name	Address	Telephone Number	AGENCY or GROUP you represent	Support	Oppose
Jennifer Spears			LDOE		
W. Alan Coulter			HDC - LSUHSC		
Annette Frangi			LaTEACH		