



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

September 12, 2016

MEMORANDUM

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Kira Orange Jones
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Sandy Holloway
3rd BESE District

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4th BESE District

Gary Jones
5th BESE District

Kathy Edmonston
6th BESE District

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7th BESE District

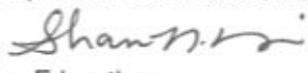
Jada Lewis
8th BESE District

Thomas Roque
Member-at-Large

Lurie Thomason
Member-at-Large

Doris Voittier
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: Shan N. Davis, Executive Director 
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 hereby submits to you this summary report and announces its plan to proceed with rulemaking by finalizing the August 20, 2016, Notice of Intent that was promulgated on pages 1323 - 1326 of the *Louisiana Register*.

The Board has received no comments or requests for a public hearing and has not conducted a hearing pursuant to R.S. 49:953(A)(2)(a).

The Board has made no change to the proposed Rule.

Subject to legislative oversight by either the House Committee on Education or Senate Committee on Education, the Board anticipates adopting the Notice of Intent as a final Rule in the November 20, 2016, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

Please contact Nina Ford at (225) 342-5841 if the Board may be of any assistance to you concerning this Rule.

SND:naf

Attachment (1)

- 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

organization within each local Community Network coordinates across programs, sets clear expectations for implementation of coordinated enrollment as required by Act 717 of the 2014 Regular Legislative Session, establishes processes to ensure fairness and equity for providers and families, and establishes a unified quality and improvement accountability system. The first year of policy implementation contained in Bulletin 140 was a learning year and the policy itself calls for revisions prior to the start of the 2016-2017 year. The proposed revisions reflect key shifts based on results from the 2015-2016 learning year, primarily associated with academic approval for Type III Early Learning Centers, and the accountability system, including coordinated observation plan requirements and performance rating calculations for publicly funded sites and Networks. Potential cost increases for the LDE are primarily associated with external evaluations of the performance rating system, program quality and improvement supports and/or sanctions. Additionally, the policy offers financial rewards to sites which receive certain ratings or demonstrate improvement in overall performance scores, subject to available funding. Furthermore, local school districts may incur increased costs associated with the additional observations necessary under the coordinated observation plan requirements as well as training required as part of the coordinated enrollment process.

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

The proposed changes could result in a loss of revenue for local school districts serving as the Community Network lead agency and/or operating publicly-funded sites if they should become ineligible to receive funding from LDE for early childhood care due to poor performance ratings. Those sites and networks which demonstrate significant improvement in their performance ratings, or achieve a rating of "Excellent", may be eligible for financial rewards, subject to availability of funding for such incentives.

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

The proposed changes could result in a loss of funding for those early learning centers for which Academic Approval has been denied, terminated or not renewed as a result of a failure to comply with the annual program partner assurances, achieve satisfactory performance ratings, or otherwise violate the provisions of the bulletin. Under such circumstances, centers would be ineligible to receive funding for early childhood care from the LDE until such time the issues are rectified and the license has been reinstated. Furthermore, child care centers and individuals which are not licensed are not eligible to participate in the state's School Readiness Tax Credit program. Conversely, sites and networks that demonstrate significant improvements in their overall performance rating and those rated "Excellent" may be eligible for financial rewards; to the extent funding is available.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
1608#038

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators (LAC 28:XXV.1103, 2307, 2318, 2907, 3309, and 3701)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education (BESE) approved for advertisement to revise Part CXV, *Bulletin 741—Louisiana Handbook for School Administrators*: §1103, Compulsory Attendance; §2307, Literacy Screening; §2318, The TOPS University Diploma; §2907, Connections Process; §3309, Curriculum; and §3701, Abbreviations/Acronyms. In March 2010, BESE approved a proposal submitted by the Louisiana Department of Education (LDE) that required all public schools with kindergarten through third grade enrollment to administer the *Dynamic Indicators of Basic Early Literacy Skills, 7th Edition (DIBELS Next)* as the approved kindergarten through third grade reading assessment.

In August 2013, BESE amended the March 2010 *DIBELS Next* requirement that all public schools with a kindergarten through third grade enrollment, or some variation thereof, administer the *DIBELS Next* reading assessment, to include a condition requiring *DIBELS Next*, unless the LDE approved an alternate reading assessment in lieu of *DIBELS Next* through a waiver, submitted by the local education agency (LEA).

The proposed revisions add to the list of accepted kindergarten through third grade literacy assessments, those alternate reading assessments that have been consistently requested by LEAs in waiver applications approved by BESE since 2013. The proposed revisions will reduce the number of waiver requests for kindergarten through third grade alternate reading assessments. The revisions also update the name of the high school equivalency assessment from the general educational development (GED) test to *HiSET*®.

Title 28 EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 11. Student Services

§1103. Compulsory Attendance

- A. - B.4.a. ...
b. achieved a passing score on *HiSET*® exam; and
B.4.c. - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:112, R.S. 17:221.3-4, R.S. 17:226.1, and R.S. 17:233.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1273 (June 2005), amended LR 32:546 (April 2006), LR 32:1030 (June 2006), LR 33:2351 (November 2007), LR 35:641 (April 2009), LR 35:1097 (June 2009), LR 35:1475 (August 2009), LR 36:482 (March 2010), LR 36:1224 (June 2010), LR 37:1126 (April 2011), LR 37:2132 (July 2011), LR 38:1000 (April 2012), LR 38:1225 (May 2012),

LR 38:1399 (June, 2012), LR 39:2205 (August 2013), LR 41:372 (February 2015), LR 41:2594 (December 2015), LR 42:

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2307. Literacy Screening

A. Each LEA shall require that every child enrolled in kindergarten-third grade be given a BESE-approved literacy screening within the first 30 days of the school year. The results of this screening shall be used to plan instruction and provide appropriate and timely intervention. The results of the screening will also provide information required by R.S. 17:182, student reading skills; requirements; reports.

1. For students with significant hearing or visual impairment, nonverbal students, or students with significant cognitive impairment, the LEA shall provide an alternate assessment recommended by the LDE.

2. Each LEA shall report to the LDE screening results by child within the timeframes and according to the guidance established by the LDE.

3. For grades 1-3, the school should use the prior year's latest screening level to begin appropriate intervention until the new screening level is determined.

4. Screening should be used to guide instruction and intervention.

B. Each LEA may choose one of the following assessments for each grade level to meet kindergarten-third grade literacy screening requirements. LEAs must apply for a waiver to use an assessment not on the list.

| Grade | Skill | BESE-Approved Literacy Screenings |
|--------------|------------------------|--|
| Kindergarten | Phonological Awareness | (a) Dynamic Indicators of Basic Early Literacy Skills (DIBELS) Next First Sound Fluency; or (b) System to Enhance Educational Performance (iSTEOP) Initial Sound Fluency; or (c) Fountas and Pinnell Initial Sounds; or (d) Strategic Teaching and Evaluation of Progress (STEP) Phonemic Awareness First Sounds. |
| First Grade | Phonics | (a) DIBELS Next Nonsense Word Fluency-CLS; or (b) iSTEOP Nonsense Word Fluency; or (c) Easy Curriculum Based Measures (easyCBM) Word Reading Fluency; or (d) Fountas and Pinnell Phonograms; or (e) STEP Reading Record; or (f) Test of Word Reading Efficiency (TOWRE); or (g) Word Reading Efficiency Test (WRET). |
| Second Grade | Oral Reading Fluency | (a) DIBELS Next Oral Reading; or (b) iSTEOP Oral Reading Fluency; or (c) Fountas and Pinnell Oral Reading Rate; or (d) STEP Reading Rate/Fluency. |

| Grade | Skill | BESE-Approved Literacy Screenings |
|-------------|---------------|--|
| Third Grade | Comprehension | (a) DIBELS Next Retell (Passage 1 only); or (b) iSTEOP Advanced Literacy; or (c) Fountas and Pinnell Comprehension; or (d) STAR Reading; or (e) STEP Comprehension; or (f) Scholastic Reading Inventory/Houghton Mifflin Harcourt Reading Inventory (SRI/HMH RI). |

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1289 (June 2005), amended LR 38:1224 (May 2012), LR 39:2214 (August 2013), LR 42:

§2318. The TOPS University Diploma

A. - C. ...

1. For incoming freshmen in 2008-2009 through 2013-2014 who are completing the Louisiana basic core curriculum, the minimum course requirements for graduation shall be the following.

NOTE: For courses indicated with *, an Advanced Placement (AP) or International Baccalaureate (IB) course designated in Course Requirements table found at <http://www.louisianabelieves.com/docs/default-source/jumpstart/course-substitutions.pdf>.

a. - h. ...

2. For incoming freshmen in 2008-2009 through 2013-2014 who are completing the Louisiana Core 4 curriculum, the minimum course requirements shall be the following.

NOTE: For courses indicated with *, an Advanced Placement (AP) or International Baccalaureate (IB) course designated in Course Requirements table found at <http://www.louisianabelieves.com/docs/default-source/jumpstart/course-substitutions.pdf>.

2.a. - 6.a.vi. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.2, and R.S. 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:

Chapter 29. Alternative Schools and Programs

§2907. Connections Process

A. ...

B.1. LEAs may choose to implement the Connections Process which replaces Louisiana's PreGED/Skills Option Program. Connections is a one-year process for overage

students to receive targeted instruction and accelerated remediation aimed at attaining a high school diploma, high school equivalency diploma (by passage of tests *HiSET*[®] exams), or state-approved skills certificate. The process includes a connections profile to track the following elements:

B.1.a. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:100.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1308 (June 2005), amended LR 34:2032 (October 2008), LR 37:2131 (July 2011), LR 38:1000 (April 2012), LR 38:3133 (December 2012), LR 39:2226 (August 2013), LR 42:

Chapter 33. Home Study Programs

§3309. Curriculum

A. - A.4. ...

B. In order to receive a Louisiana State equivalency diploma, the student must pass the *HiSET*[®] exam. Completion of a home study program does not entitle the student to a regular high school diploma.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:236.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1312 (June 2005), amended LR 37:1137 (April 2011), LR 39:2229 (August 2013), LR 42:

Chapter 37. Glossary

§3701. Abbreviations/Acronyms

ADA—Americans with Disabilities Act.

AP—advanced placement.

BESE—Board of Elementary and Secondary Education.

CPR—cardiopulmonary resuscitation.

CTE—career/technical education.

CTSO—career and technical student organizations.

CTTIE—career and technical trade and industrial education.

DECA—An association of marketing students.

FBLA—Future Business Leaders of America.

FCCLA—Family, Career, and Community Leaders of America.

FFA—National FFA Organization.

GEE 21—Graduation Exit Examination for the 21st Century.

GLEs—grade-level expectations.

HOSA—Health Occupations Students of America.

IAP—individualized accommodation program.

IB—international baccalaureate.

IBC—industry-based certification.

IDEA—Individuals with Disabilities Education Act; the special education law.

IEP—individualized education program.

JROTC—Junior Reserve Officer Training Corps.

LDE—Louisiana Department of Education.

LEA—local education agency.

LEAP 21—Louisiana Educational Assessment Program for the 21st Century.

LHSAA—Louisiana High School Athletic Association.

LMA—Louisiana Montessori Association.

MFP—Minimum Foundation Program.

MPS—minimum proficiency standards.

NAEP—national assessment of educational progress.

NCLB—No Child Left Behind.

OFAT—out-of-field authority to teach.

SAE—supervised agriculture experience.

SAPE—substance abuse prevention education.

TAT—temporary authority to teach.

TOPS—Taylor Opportunity Program for Students.

TSA—Technology Student Organization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1316 (June 2005), amended LR 39:2230 (August 2013), 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 741—Louisiana Handbook for School Administrators

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

The proposed policy revisions will have no effect on costs or savings to state or local governmental units.

In March 2010, the State Board of Elementary and Secondary Education (BESE) approved a proposal submitted by the Louisiana Department of Education (LDE) that required all public schools with kindergarten through third grade enrollment to administer the *Dynamic Indicators of Basic Early Literacy Skills, 7th Edition (DIBELS Next)* as the approved kindergarten through third grade reading assessment.

In August 2013, BESE amended the March 2010 *DIBELS Next* requirement that all public schools with a kindergarten through third grade enrollment, or some variation thereof, administer the *DIBELS Next* reading assessment, to include a condition requiring *DIBELS Next*, unless the LDE approved an alternate reading assessment in lieu of *DIBELS Next* through a waiver, submitted by the local education agency (LEA).

The proposed revisions add to the list of accepted kindergarten through third grade literacy assessments, those alternate reading assessments that have been consistently requested by LEAs in waiver applications approved by BESE since 2013. The proposed revisions will reduce the number of waiver requests for kindergarten through third grade alternate reading assessments.

The revisions also update the name of the high school equivalency assessment from the General Educational Development (GED) test to *HiSET*[®].

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#030

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.417)

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 to revise *Bulletin 746—Louisiana Standards for State Certification of School Personnel: §417, Educational Leader in Special Education Ancillary Certificate*. Act 130 of the 2016 Regular Legislative Session establishes an Educational Leader in Special Education certificate. This certificate authorizes the holder to serve as a supervisor, director, or coordinator of special education. It also enables educators who do not hold a standard teaching certificate but who do hold a valid Louisiana ancillary certificate in a special education-related field to obtain a leadership certificate specific to special education leadership roles. Additionally, the applicant must have three years of work experience in his/her area of certification, 240 documented hours of leadership 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.

Title 28 EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Chapter 4. Ancillary School Service Certificates

Subchapter A. General Ancillary School Certificates

§417. Educational Leader in Special Education

Ancillary Certificate

A. The educational leader in special education ancillary certificate authorizes an individual to serve as a supervisor, director, or coordinator of special education in a school or district setting.

B. Issuance—this certificate is issued upon the request of the Louisiana employing authority.

C. Renewal Guidelines—this certificate is valid for a period of five years and may be renewed thereafter at the request of the Louisiana employing authority. Candidates must successfully meet the standards of effectiveness for at least three years during the five-year renewal period pursuant to Bulletin 130 and R.S. 17:3902. Such renewal shall constitute a renewal of the special education ancillary certificate only and shall not qualify the candidate for the educational leader certificate level 1 (ELC 1), educational leader certificate level 2 (ELC 2), or educational leader certificate level 3.