



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

March 17, 2016

MEMORANDUM

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 *SD*
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 February 20, 2016, Notice of Intent that was promulgated on pages 302-304 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 May 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

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 Voitier
Member-at-Large

Shan N. Davis
Executive Director

John C. White
State Superintendent

6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 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, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Wade Dubea, State Forester, Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 6000, Baton Rouge, LA 70806 and must be received no later than 12 p.m., April 7, 2016. No preamble is available.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Office of Forestry Forest Productivity Program and Electronic Timber Records

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

The proposed amendment to LAC 7:XXXIX.1307 will result in an increase in expenditures for the LDAF Forestry Program. The proposed rule allows private landowners to cost share and receive reimbursements for two new services, chemical only site preparation (up to \$60/acre) and mechanical only site preparation (up to \$100/acre), through the Forest Productivity Program. The Forest Productivity Program provides financial assistance in the form of reimbursements to eligible landowners for establishing and improving crops of trees. To the extent that landowners make use of the new services available for cost sharing, LDAF will realize an indeterminate increase in expenditures. The amendments to Rule 1307 will not require additional paperwork for the Forest Productivity Program, as paperwork is already filled out by the

landowner and any changes to the paperwork to reflect the amended rules would be minimal.

The proposed amendments to LAC 7:XXXIX.1501-1503 will not result in any material savings or costs to state or local governmental units.

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

The proposed rule changes are not anticipated to have a direct material 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 amendment to Rule 1307 will allow private landowners to cost share two new services, chemical only site preparation (up to \$60/acre) and mechanical only site preparation (up to \$100/acre), through the Forest Productivity Program. Landowners who utilize the two new services now included in the cost share program will be entitled to a per-acre reimbursement at the rates outlined in Rule 1307.

The amendments to Rules 1501 and 1503 will permit members of the timber industry who want to use electronic records for loaders logs and/or scale/load tickets to do so. All costs to track loaders logs and/or scale/load tickets electronically will be borne by operators who choose to do so.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not have a material effect on competition and employment.

Dane Morgan
Assistant Commissioner
1602#033

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—Parental Viewing of Assessments (LAC 28:CXI.321)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 118—Statewide Assessment Standards and Practices* §321. Parental Viewing of Assessments. Through House Resolution 195 of the 2015 Regular Legislative Session (HR 195), the Louisiana Legislature requested the State Board of Elementary and Secondary Education to promulgate rules relative to teacher and parental access to and review of student assessments. In response to this request, the proposed revisions establish a process for student assessment(s) to be viewed by the parent or legal custodian of a student beginning with the assessments administered to students during the 2015-2016 school year.

Title 28 EDUCATION

Part CXI. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 3. Test Security §321. Parental Viewing of Assessments

A. State assessments serve as valid and reliable measurements of students' learning of academic content and skills at the end of grade levels or courses. They provide

valuable information for parents and educators in determining a student's readiness for higher-level content and the need for additional academic supports. Thus, in making assessments available for viewing by parents and supporting their involvement in their child's education, it is essential to maintain the integrity and security of the assessments to ensure that they continue to serve as valid and reliable measurements of student learning.

B. Parents and legal custodians of students taking Louisiana statewide assessments shall be granted the opportunity to view each assessment taken by their child upon request as provided in this section, with the exception of proprietary assessments used in multiple states for purposes other than state assessment, such as college admissions and college credit. The LDE may provide for standardized processes to receive and schedule assessment viewings and to maintain test security in accordance with this section.

C. The viewing shall be held not later than ten business days following the release of student-level state assessment results by the LDE to local education agencies and shall be offered for ten business days at the LDE office in Baton Rouge during normal business hours.

1. The viewing shall take place by appointment in the presence of the director of assessment or his designee.

2. In order to confirm the requestor is the parent or legal custodian of a child who took a Louisiana statewide assessment, the requestor shall present a valid form of government issued identification and the child's birth certificate or a recently issued report card containing child's name, school, district, and grade level. The LDE shall view the child's birth certificate or report card for identification purposes only and shall not maintain a copy of such documentation.

3. If a parent or legal custodian has questions or concerns regarding a particular assessment item or question, he shall be provided an opportunity at the time of the review to discuss his questions or concerns with the director of assessments or other appropriate person as determined by the director of assessments

4. The parent or legal custodian shall be given a reasonable amount of time to view the assessment; however, such time shall not exceed two hours.

5. During the review, the parent or legal custodian shall not:

a. photocopy or photograph any assessment item or question;

b. make any notes, including but not limited to handwritten, typed, or orally recorded notes that identify an assessment item or question;

c. bring an electronic device into the viewing area; or

d. discuss or disclose an assessment item or question with another child's parent or legal custodian.

6. Following the review, the parent or legal custodian shall not discuss or disclose an assessment item or question to any person.

D. A parent or legal custodian who violates the provisions of this Section shall be required to reimburse the LDE for any costs incurred by the LDE to replace any assessment items, questions, or full test forms determined by

the LDE to no longer be secure due to the actions of the parent or legal custodian.

1. Replacement of assessment items or questions shall include but is not limited to:

a. the cost of developing and field testing any items or questions; and

b. printing revised test booklets, as needed to ensure the security of the assessment.

2. The LDE may take any steps necessary to secure collection, including referral to the attorney general for collection. If the LDE makes such referral, the attorney general shall be responsible for collection of any balance due to the state resulting from the actions of the parent or legal custodian.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, 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., March 10, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Bulletin 118 Statewide Assessment Standards and Practices Parental Viewing of Assessments

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

House Resolution 195 of 2015 requested the State Board of Elementary and Secondary Education to promulgate rules relative to parental access to and review of assessments. In response to this request, the proposed revisions establish a process for student assessment(s) to be viewed by the parent or legal custodian of a student beginning with the assessments administered to students during the 2015-2016 school year.

The proposed policy revision could increase costs for the Department of Education; however, such increases are not likely to be significant. Increased costs could be associated with the requirement that staff meet with parents or legal custodians to view the documents and to answer questions. Parents or legal custodians are responsible for the cost to replace any items determined to be no longer secure due to their actions revealing the content. However, if the Attorney General is not able to recoup the costs from these individuals, the DOE will be required to fund replacement costs including development of new items and printing revised test booklets. These costs will likely be absorbed in the current assessment contract but to the extent this happens with recurring regularity, the cost of the state assessment contract could increase. Assessment contracts are funded with a mix of state and federal funds.

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

This policy will have no effect on revenue collections of state or local governmental units.

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

Parents and guardians not living in Baton Rouge will incur indeterminable costs to travel to Baton Rouge to review assessments. Parents and legal custodians may be required to pay the cost of replacement of assessment items determined to be no longer secure due to actions of the parent or legal custodian.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
1602#021

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Tuition Trust Authority Office of Student Financial Assistance

START Saving Program (LAC 28:VI.Chapters 1 and 3)

The Louisiana Tuition Trust Authority announces its intention to amend its START Saving Program rules (R.S. 17:3091 et seq.).

This rulemaking redefines maximum allowable account balance, adds computer and computer-related hardware and software to the definition of qualified higher education expenses, permits transfer of account ownership under certain circumstances, includes independent student as a separate account category, and deletes a provision which allows account owners to select the investment options from which disbursements will be made. This rulemaking also deletes a provision that states LATTA will provide an estimate of the minimum monthly deposit an account must make in order to reach their goals. In addition, this rulemaking makes grammatical, spelling, and technical corrections. (ST16168NI)

Title 28 EDUCATION

Part VI. Student Financial Assistance—Higher Education Savings

Chapter 1. General Provisions Subchapter A. Tuition Trust Authority §101. General Provisions

A. The Louisiana Student Tuition Assistance and Revenue Trust (START Saving) Program was enacted in 1995 to provide a program of savings for future college costs to:

1. help make education affordable and accessible to all citizens of Louisiana;
2. assist in the maintenance of state institutions of postsecondary education by helping to provide a more stable financial base to these institutions;