



# 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

December 12, 2017

## 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 *SP*  
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 November 20, 2017, Notice of Intent that was promulgated on pages 2232 - 2234 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 February 20, 2018, 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**  
1<sup>st</sup> BESE District

**Kira Orange Jones**  
2<sup>nd</sup> BESE District

**Sandy Holloway**  
3<sup>rd</sup> BESE District

**Tony Davis**  
4<sup>th</sup> BESE District

**Gary Jones**  
5<sup>th</sup> BESE District

**Kathy Edmonston**  
6<sup>th</sup> BESE District

**Holly Boffy**  
7<sup>th</sup> BESE District

**Jada Lewis**  
8<sup>th</sup> 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

evidence of eligibility for the Staff School Readiness Tax Credit for at least one prior year beginning in 2017 will be deemed to have met training and education requirements for the Classroom Track for LA Pathways.

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

There will be a reduction in the state general fund from state income tax collections due to the proposed revisions. The changes in staff qualifications may initially result in an increase in the number of individuals eligible for the credit. However, continuation of high turnover rates in child care center staff will likely result in little or no net increase in credits awarded for calendar year 2018 (FY19). Changes in qualifications for some teachers, which are effective in calendar years 2019 and 2020, may serve to stabilize turnover by making more teachers eligible for the credit (in FY20 and FY21). Based on analysis of the professional registry and workforce trends, the LDE estimates the anticipated fiscal impact to be zero in FY 19 and less than \$5 M annually for FY 20 and FY 21. Ultimately, privacy laws prevent the DOR from sharing certain taxpayer information, so actual impacts cannot be quantified. Furthermore, factors other than the SRTC credit influence provider, business, and individuals' behavior, which can't be projected, but which will affect their eligibility, credit amounts, and application for the credit.

Historically, School Readiness Tax Credits have been used as both a Maintenance of Effort (MOE) and State Match for the purpose of drawing down federal Child Care Development Funds (CCDF) of approximately \$80 M annually. While significant reductions in the award amount of SRTC could negatively impact the state's ability to match these federal funds, an increase in the credits awarded would have no impact on federal funds.

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

There will be a benefit for those individuals meeting the training and education requirements for the Administrator and Classroom tracks for LA Pathways.

There are no mandatory costs as a result of the proposed revisions but may encourage child care programs to improve adult-child interactions and instruction in their classrooms to earn the economic benefits of tax credits. Economic benefits for programs, directors, businesses, and families will only be realized if programs increase classroom quality as recognized under the Unified Quality Rating System. Finally, research demonstrates that children who participate in high quality early childhood programs are more likely to graduate high school and have post-secondary success, thus increasing their overall lifetime earnings.

## IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The LDE hopes that the proposed policy revisions will encourage all publicly-funded early learning centers that serve children from birth to age five to improve classroom interactions and instruction, thus ensuring those children receive higher quality care and education that prepares them for kindergarten. There should not be any additional effect on competition as the unified rating system is already in effect. More significantly, these policy revisions are intended to have a positive impact on the child-care workforce, which is a low wage workforce. Specifically, they should help increase retention of highly-qualified child care teachers by encouraging their continued employment within the sector. This is anticipated to decrease the current annual turnover rates for lead-teachers within child care, which currently average around 40% a year. This will likely result in more stability and higher quality services for children, while reducing the turnover costs for child-care businesses. Costs of turnover include but are not

limited to purchasing new criminal background checks, conducting interviews and references, and providing orientation and training.

Beth Scioneaux  
Deputy Superintendent  
1711#039

Evan Brasseur  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators (LAC 28:CXV.333 and 2318)

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 741—Louisiana Handbook for School Administrators*: §333, Instructional Time; and §2318, The TOPS University Diploma. The proposed revisions pertain to waivers of required instructional minutes for schools that temporarily shared facilities, each holding school for part of the school day, due to the impact of a declared natural disaster or emergency. The proposed revisions also ensure that, for spring 2018, the decision to include English I, English II, algebra I, and geometry LEAP 2025 assessment scores as a percentage of student final grades shall be determined by local education agencies (LEAs) and shall be outlined in the pupil progression plan.

### Title 28 EDUCATION

#### Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

#### Chapter 3. Operation and Administration §333. Instructional Time

A. Each LEA shall adopt a calendar that includes a school year that is in accordance with applicable state regulations and includes a minimum of 63,720 minutes of instructional time.

1. Effective for the 2016-2017 school year and thereafter, the provisions of Subsection A of this Section shall not apply to any city, parish, or other public school that cannot meet minimum instructional time requirements because the school temporarily shared facilities with another school due to damages caused by a natural disaster or emergency that was declared by the governor pursuant to *Revised Statute* 29:724, certified by the state superintendent of education, and approved by BESE.

a. BESE may require that the school provide a minimum number of daily instructional minutes that is less than the requirements set forth in Subsection A of this Section and provide other requirements deemed necessary to support student learning.

b. The governing authority of any such school shall submit to the state superintendent for certification, no later than 60 days prior to the end of the school year or within 30 days of the gubernatorial declaration, whichever occurs first, and using a template provided by the LDE, documented information explaining why the school is not able to meet the required instructional minutes, any efforts made by the school toward meeting the requirements, and a revised school calendar for the affected school year. The state

superintendent shall certify any such requests received, present the request to the board, and provide a recommendation as to whether the request should be approved, approved with conditions, or denied.

2. Instructional time shall include the scheduled time within the regular school day devoted to teaching courses outlined in the program of studies. Instructional time does not include such things as:

- a. recess;
- b. lunch;
- c. change of class time; and
- d. parent-teacher conferences.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:154.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005), amended LR 39:2197 (August 2013), LR 44:

## Chapter 23. Curriculum and Instruction

### Subchapter A. Standards and Curricula

#### §2318. The TOPS University Diploma

A. - A.2. ...

##### B. Assessment Requirements

1. For incoming freshmen prior to 2010-2011, students must pass the English language arts and mathematics components of the GEE or LEAP Alternate Assessment, Level 2 (LAA 2) and either the science or social studies portions of GEE or LAA 2.

1.a. - 2.b. ...

3. Students enrolled in a course for which there is an EOC or LEAP 2025 test must take the EOC or LEAP 2025 test.

a. The EOC or LEAP 2025 test score shall count a percentage of the student's final grade for the course. During the transition to new tests, the requirement to count a LEAP 2025 test score as a percentage of the student's final grade will be waived for high school state assessments as follows:

i. English I, English II, algebra I, and geometry scores from the fall 2017 administration; the decision to include scores from these assessments in final grades in spring 2018 shall be a district decision that must be outlined in the pupil progression plan.

ii. U.S. history scores from the fall and spring administrations in 2017-2018; and

iii. biology scores from the fall and spring administrations in 2018-2019.

b. The percentage shall be between 15 percent and 30 percent inclusive, and shall be determined by the LEA.

i. For students with disabilities identified under IDEA who meet the participation criteria found in *Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities*, §405.B and R.S. 17:183.2, the EOC test score shall count for 5 percent of the students' final grade for the course.

B.3.c. - D.3. ...

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 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 44:

#### 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 12 p.m., December 9, 2017, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. 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

### 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 GOVERNMENTAL UNITS (Summary)

There will be no costs or savings for state or local governmental units. Act 365 of 2017 allows the Board of Elementary and Secondary Education (BESE) and the state superintendent of education to approve waivers of required instructional minutes for schools that temporarily shared facilities, each holding school for part of the school day, due to the impact of a declared natural disaster or emergency. The proposed revisions update current policy to reflect the waiver approval process.

Additional changes to the TOPS University Diploma requirements are technical in nature and align policy for alternative pathways for grade level promotion and graduation of certain special education students with the statutes per Act 833 of 2014.

#### 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)

There is no estimated effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
1711#038

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.203 and Chapter 9)

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* §203, PRAXIS Exams and Scores; §901, Overview; §903, Definitions; §905, Denial of Certificates for Criminal Offenses, for the Submission of Fraudulent Documentation, or for Participation in Cheating; §906, Procedures and Rules for Issuance of a Denied Certificate; §907, Suspension and Revocation of Certificates for Criminal Offenses; §908, Suspension and Revocation of Certificate/Endorsement Due to Participation in Cheating; §909, Suspension and Revocation of Certificates due to Fraudulent Documentation Pertaining to Certification; and §911, Procedures and Rules for Reinstatement of Certificates Suspended or Revoked due to Criminal Convictions, Submission of Fraudulent Documents, Participation in Cheating, or Reinstatement of Expired Certificates Deemed Ineligible for Reinstatement Due to Criminal Convictions, Submission of Fraudulent Documents, or Participation in Cheating. Proposed revisions clarify and update policies relative to certification licensure denial, suspension, and revocation; proposed revisions also align policy related to Praxis exams and scores to align with federal criminal code and test scores.

#### Title 28 EDUCATION

#### Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel Chapter 2. Initial Teacher Certification Subchapter B. Testing Required for Certification Areas §203. PRAXIS Exams and Scores (Formerly §243)

A. A teacher applicant for certification must successfully complete the appropriate written or computer-delivered tests identified in this Section prior to Louisiana teacher certification.

1. Core Academic Skills for Educators<sup>2</sup>. Teacher applicants in all content areas must pass all three Praxis core academic skills tests for educators.

Pre-Professional Skills Test "Paper or Computer Administrations"	Test #	Score	Effective Date
PPST:R—Pre-Professional Skills Test: Reading	0710/5710	176	Effective 7/1/10 to 12/31/13
PPST:W—Pre-Professional Skills Test: Writing	0720/5720	175	
PST:M—Pre-Professional Skills Test: Mathematics	0730/5730	175	

Core Academic Skills for Educators	Test #	Score	Effective Date
Reading	5712	156	Effective 1/1/14
Writing	5722	162	
Mathematics	5732	150	