



# 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

May 10, 2018

## MEMORANDUM

**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

**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 April 20, 2018, Notice of Intent that was promulgated on pages 805 - 806 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 July 20, 2018, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

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

SND:slr

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

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

The proposed rule changes may restrict access to licensure for certain applicants depending on work history. To the extent these individuals qualify under current rule but do not under proposed rule, these individuals may not realize the economic benefit they may have received qualifying to work as a licensed structural pest control operator.

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

The proposed rule changes may have a minimal impact on employment for individuals seeking to become licensed pest control operators. Current rules require certain work experience for each type of structural pest control license. The proposed rule changes would require that any work experience would have been obtained within the last six (6) years. Under proposed rule changes, approximately eight (8) applicants each year would no longer qualify for a structural pest control operator's license. However, nothing in the proposed rule changes will preclude these individual from employment in the structural pest control industry as a registered technician under the supervision of a current licensed pest control operator.

Dane Morgan  
Assistant Commissioner  
1804#037

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 118—Statewide Assessment  
Standards and Practices (LAC 28:XI.6913)

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 revisions to *Bulletin 118—Statewide Assessment Standards and Practices*: §6913, Performance Standards, regarding LEAP connect scaled score ranges.

**Title 28**

**EDUCATION**

**Part XI. Accountability/Testing**

**Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices**

**Chapter 69. LEAP Alternate Assessment, Level 1  
Subchapter D. Alternate Achievement Levels and Performance Standards**

**§6913. Performance Standards  
[Formerly LAC 28:CXL1913]**

A. ...

B. LAA 1 Alternate Achievement Levels and Scaled-Score Growth Ranges

1. English Language Arts and Mathematics Scaled Score Ranges

a. English Language Arts

Performance Level	English Language Arts						
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11
Level 4	1251-1290	1258-1290	1256-1290	1253-1290	1255-1290	1250-1290	1255-1290
Level 3	1240-1250	1240-1257	1240-1255	1240-1252	1240-1254	1240-1249	1240-1254

Performance Level	English Language Arts						
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11
Level 2	1234-1239	1234-1239	1232-1239	1231-1239	1236-1239	1230-1239	1236-1239
Level 1	1200-1233	1200-1233	1200-1231	1200-1230	1200-1235	1200-1229	1200-1235

b. Mathematics

Performance Level	Mathematics						
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11
Level 4	1254-1290	1251-1290	1255-1290	1249-1290	1254-1290	1249-1290	1249-1290
Level 3	1240-1253	1240-1250	1240-1254	1240-1248	1240-1253	1240-1248	1240-1248
Level 2	1236-1239	1233-1239	1231-1239	1234-1239	1232-1239	1234-1239	1234-1239
Level 1	1200-1235	1200-1232	1200-1230	1200-1233	1200-1231	1200-1233	1200-1233

B.2. ...

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**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:24.4(F)(3) and R.S. 17:183.1-17:183.3.

**HISTORICAL NOTE:** Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007), amended LR 35:209 (February 2009), amended by the Board of Elementary and Secondary Education, LR 44:472 (March 2018), 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. noon, May 9, 2018, 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 118—Statewide Assessment Standards and Practices

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

There will be indeterminable costs to local school districts as a result of the changes. In October 2017, BESE approved revisions to Bulletin 118, Statewide Assessment Standards and Practices, relative to Louisiana's approved education plan pursuant to the federal Every Students Succeeds Act (ESSA).

The policy stated that the LDE would propose, for approval by BESE, LEAP Connect scaled-score ranges during the 2017-2018 school year. LEAP Connect is a state assessment developed to ensure that students with significant cognitive disabilities are able to participate in an assessment that measures student knowledge based upon the grade-level Louisiana Connectors, as required by federal law.

When taken in conjunction with other changes to the school, district and state accountability system contained in Bulletins 118 and 111, potential implications for schools which are labeled "Urgent Intervention Required" and "Comprehensive Intervention Required". Schools receiving such ratings will be required to develop a plan that describes goals, strategies, and monitoring processes that will be used to address identified deficiencies.

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

Schools may be eligible for competitive grants from the Department of Education to address curriculum, assessment, and professional development needs aimed at improving student performance.

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

Public charter schools will experience similar impacts to those identified for traditional public schools.

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

School districts have expressed concerns that lower school performance scores will make it more difficult to attract high quality teachers.

Beth Scioneaux  
Deputy Superintendent  
1804#049

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

#### NOTICE OF INTENT

##### Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

Fee Increase (LAC 33:I.1203 and 1911; III.211, 223, 307, 309, and 319; V.5123 and 5139; and IX.1309)(MM020)

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 nonapplicable regulations, LAC 33:I.1203 and 1911; III.211, 223, 307, 309, and 319; V.5123 and 5139; and IX.1309 (MM020).

This Rule provides for miscellaneous amendments and corrections necessary for fee changes authorized by Act 451 of the 2016 Regular Legislative Session. This Act authorized certain fee increases, new fees and other changes to the regulations pertaining to fees. This Rule is required to correct errors found during the implementation of MM018, the original fee increase Rule. The basis and rationale for this Rule are to implement the fee changes authorized in Act 451 of the 2016 Regular Legislative Session. 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.