



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

June 11, 2018

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 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 May 20, 2018, Notice of Intent that was promulgated on pages 958 - 965 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 August 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

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—Ancillary Areas of Instruction**

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

There may be costs to local school districts associated with the proposed revisions which include an opioid-specific component in substance abuse prevention programs. However, the Department of Education will provide additional supports, resources, and training during the summer of 2018 and integrated into professional development and communication structures beginning with the 2018-2019 school year which will serve to mitigate potential costs increases for the districts.

**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
1805#054

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 140—Louisiana Early Childhood Care and
Education Network (LAC 28:XCI.103, 307, 313,
503, 507, 509, 511, 512, 515, 517, 523, 703, and 705)

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 140—Louisiana Early Childhood Care and Education Network*: §103, Definitions; §307, Publicly-Funded Early Childhood Care and Education Programs and Community Networks; §313, Academic Approval for Type III Early Learning Centers; §503, Coordinated Observation Plan and Observation Requirements; §507, Performance Profile Implementation Timeline; §509, Performance Rating Calculations for Publicly-Funded Sites; §511, Performance Rating Calculations for Community Networks; §512, Performance Ratings for Publicly-Funded Sites; §515, Reporting for the Accountability System; §517, Data Verification; §523, Disaster Consideration for Programs and Community

Networks; §703, Coordinated Enrollment Process; and §705, Implementation Timeline.

The proposed revisions ensure one organization within each local community network coordinates across programs (childcare, Head Start, school-based pre-K), and define organization responsibilities; set clear expectations for implementation of coordinated enrollment as required by Act 717 of the 2014 Regular Legislative Session, and establish processes to ensure fairness and equity for providers and families; and establish a unified quality rating and improvement system that specifies how programs and community networks are evaluated, and establishes processes for fairness and equity for programs.

Title 28

EDUCATION

**Part CLXVII. Bulletin 140—Louisiana Early Childhood
Care and Education Network**

Chapter 1. General Provisions

§103. Definitions

At-Risk—children are considered at-risk if they have any of the characteristics listed in the definition of “economically disadvantaged” found in Title 28, Part I of the *Louisiana Administrative Code*, or they meet the definition of an “infant or toddler with a disability” found in 34 CFR §303.21 for children ages birth to three years or a “child with a disability” found in 34 CFR §300.8 for children ages 3 and older.

EarlySteps Program—program administered by the Louisiana Department of Health that provides early intervention services for infants and toddlers with disabilities ages birth to three years and their families according to the requirements of the Individuals with Disabilities Education Act (IDEA), part C.

Individuals with Disabilities Education Act (IDEA), Part C—federal program administered by the Louisiana Department of Health that provides early intervention services for infants and toddlers with disabilities ages birth to three years and their families to meet the developmental needs as identified by the individualized family services plan. See *EarlySteps Program*.

NSECD—Nonpublic Early Childhood Development Program.

Publicly-Funded Children—children ages birth to five years who have not yet entered kindergarten that are being served full-day with funds from either CCAP, Early Head Start, Head Start, LA 4 Program, NSECD, 8(g) block grant, title 1 of ESSA, other local, state, or federal funds, or IDEA part B in a full-day setting.

Publicly-Funded Early Childhood Care and Education Program—an early learning center-based or school-based organization that is providing early childhood care and education to children ages birth to five years who have not yet entered kindergarten with funds from either CCAP, Early Head Start, Head Start, NSECD, LA 4 Program, 8(g) block grant, title 1 of ESSA or IDEA part B, other local, state, or

federal funds, or that is authorized to receive CCAP, or that participates in the quality start child care rating system.

Publicly-Funded Early Childhood Care and Education Site—a distinct early learning center-based or school-based location that is providing early childhood care and education to children ages birth to five years who have not yet entered kindergarten in a full-day setting with funds from either CCAP, Early Head Start, Head Start, NSECD, LA 4 Program, 8(g) block grant, title 1 of ESSA or IDEA part B, other local, state, or federal funds, or that is authorized to receive CCAP, or that participates in the quality start child care rating system.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.23 and R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2580 (December 2015), amended LR 42:1871 (November 2016), LR 44:

Chapter 3. Early Childhood Care and Education Network

§307. Publicly-Funded Early Childhood Care and Education Programs and Community Networks

A. - A.1.c. ...

2. Any publicly-funded program that does not comply with Paragraph A.1 of this Section may be subject to the loss of its public funding.

B. - B.1.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2582 (December 2015), amended LR 44:

§313. Academic Approval for Type III Early Learning Centers

A. - D.2. ...

3. Renewal of Academic Approval. Academic approval shall be renewed annually for any non-full-day type III early learning center if the center:

a. has current academic approval;
b. is in compliance with any corrective action plans required by the department in accordance with this Section; and

c. has submitted a signed copy of the current annual program partner assurances for non-full-day type III early learning centers to the department prior to July 1, or as requested by the department, whichever occurs earlier.

E. - F.1.a.i.(c). ...

ii. all lead teachers at the center:

(a). have an early childhood ancillary certificate or other traditional teaching certification issued by the BESE; or

(b). are in the process of completing training that will lead to the early childhood ancillary certificate and will have obtained an early childhood ancillary certificate by BESE within 24 months of the state date as a lead teacher.

iii. a minimum of 20 hours a week of care for every classroom providing full day care in a publicly-funded site will be provided by a lead teacher or lead teachers that:

(a). have an early childhood ancillary certificate or other traditional teaching certification issued by BESE; or

(b). are in the process of completing training that will lead to the early childhood ancillary certificate and will have obtained an early childhood ancillary certificate issued by BESE within 24 months of start date as a lead teacher.

2. ...

G. Renewal of Academic Approval for Full-Day Type III Early Learning Centers for Fiscal Year 2018-2019

1. Academic approval shall be renewed annually for fiscal years 2018-2019 and beyond for any full-day type III early learning center that:

a. has current academic approval;
b. is in compliance with the provisions of this bulletin;

c. has not had two unsatisfactory performance ratings within any consecutive three school years; and

d. has submitted a signed copy of the current annual program partner assurances for full-day type III early learning centers to the department, and is thereby agreeing to comply with the provisions of this bulletin, which include:

i. membership in the corresponding community network, as provided in Chapter 3;

ii. participation in the early childhood care and education accountability system, as provided in Chapter 5; and

iii. participation in the coordinated enrollment process, as provided in Chapter 7.

2. Full-day type III early learning centers shall annually submit a signed copy of annual program partner assurances for full-day type III early learning centers to the department prior to July 1, or as requested by the department, whichever is earlier.

H. Renewal of Academic Approval for Full-Day Type III Early Learning Centers for Fiscal Years 2019-2020 and Beyond

1. Academic approval shall be renewed annually for fiscal years 2019-2020 and beyond for any full-day type III early learning center that:

a. has current academic approval;
b. is in compliance with the provisions of this bulletin;

c. has not had two unsatisfactory performance ratings within any consecutive three school years; and

d. has submitted a signed copy of the current annual program partner assurances for full-day early learning centers to the department, thereby certifying that:

i. the center will comply with the provisions of this bulletin, which include:

(a). membership in the corresponding community network, as provided in Chapter 3;

(b). participation in the early childhood care and education accountability system, as provided in Chapter 5; and

(c). participation in the coordinated enrollment process, as provided in Chapter 7; and

ii. all lead teachers at the center:
(a). have an early childhood ancillary certificate or other traditional teaching certification issued by BESE; or

(b). are in the process of completing training that will lead to the early childhood ancillary certificate and will

have obtained an early childhood ancillary certificate issued by BESE within 24 months of start date as a lead teacher;

iii. a minimum of 20 hours a week of care for every classroom providing full day care in a publicly-funded site will be provided by a lead teacher or lead teachers that:

(a). have an early childhood ancillary certificate or other traditional teaching certificate issued by BESE; or

(b). are in the process of completing training that will lead to the early childhood ancillary certificate and will have obtained an early childhood ancillary certificate issued by BESE within 24 months of start date as a lead teacher.

2. Full-day type III early learning centers shall annually submit a signed copy of annual program partner assurances for full-day type III early learning centers to the department prior to July 1, or as requested by the department, whichever occurs earlier.

I. A center that has its academic approval terminated may not apply for academic approval for the fiscal year in which academic approval was terminated or the following fiscal year.

J. Academic approval shall be valid for the fiscal year, July 1-June 30, for which it is granted.

K. Academic approval is granted to a specific owner and a specific location and is not transferable. If a type III early learning center changes owners or location, it is considered a new operation, and academic approval for the new owner or location must be obtained prior to beginning operations under new ownership or at the new location.

L. Upon a change of ownership or change of location, the academic approval granted to the original owner or at the original location becomes null and void.

M. Renewal

1. Prior to July 1 of each year, the department shall send notice to each type III early learning center that has academic approval providing one of the following:

a. renewal of academic approval for the center;

b. notice of the center's failure to comply with specific requirements in Subsection A of this Section and specific corrective actions that must be taken by a specified date in order for academic approval to be renewed; or

c. if an early learning center has received the notice outlined in Subparagraph N.2.a of this Section within the academic year and the center has not provided the required certifications and completed the stated corrective actions, the department may terminate the center's academic approval as provided in Subparagraph N.2.c of this Section and send notice of termination of the center's academic approval.

N. Denial, Termination or Refusal to Renew Academic Approval

1. The department may deny, terminate, or refuse to renew academic approval for:

a. violations of any provisions of this bulletin;

b. failure to timely comply with a corrective action plan provided by the department;

c. any act of fraud, such as the submission of false or altered documents or information;

d. failure to timely submit a signed copy of the annual program partner assurances;

e. two unsatisfactory performance ratings within any consecutive three school years; or

f. failure to participate in the early childhood school or center improvement planning process, as required by §512 of this bulletin.

2. Notice

a. If a type III early learning center is in violation of any provision of this bulletin, the department shall notify the center in writing and may specify any corrective actions in a corrective action plan that shall be required to retain academic approval.

b. Within 30 calendar days of receiving such notice, the center shall submit certification in writing to the department that the corrective actions specified in the corrective action plan have been taken or are in the process of being taken in compliance with the schedule provided in the corrective action plan and certification that the center will remain in compliance with the corrective action plan and all applicable regulations.

c. If the type III early learning center does not respond in a timely or satisfactory manner to the notice and corrective action plan or adhere to the implementation schedule required in the corrective action plan, the department may terminate or refuse to renew the center's academic approval.

d. The department shall provide written notice of denial, termination or refusal to renew academic approval to the center.

e. The denial, termination or refusal to renew a center's academic approval shall be effective when notice of the denial, termination, or refusal to renew is given.

O. Appeal Procedure

1. BESE shall have the authority to grant an appeal of the denial, termination or refusal to renew academic approval for a type III early learning center.

2. The appeal procedure shall be used when needed to address unforeseen and aberrant factors impacting type III early learning centers or when needed to address issues that arise when the literal application of the academic approval regulations does not consider certain unforeseen and unusual circumstances.

3. A type III early learning center may request an appeal of the denial, termination, or refusal to renew its academic approval by submitting a written request for an appeal to the department within 15 calendar days of being given notice of the denial, termination, or refusal to renew its academic approval.

4. All appeal requests shall clearly state the specific reasons for requesting the appeal and the reasons why the appeal should be granted and shall include any necessary supporting documentation.

5. The department shall review all timely submitted appeal requests and make recommendations to BESE during the first regularly scheduled BESE meeting following receipt of the appeal requests, or during the second regularly scheduled BESE meeting if an appeal request is received within 10 working days of the next regularly scheduled BESE meeting. Within this interval, the department shall notify the center of its recommendation and allow the center to respond in writing. The department's recommendation and the center's response shall be submitted to BESE for final disposition.

6. An early learning center that appeals the termination or refusal to renew its academic approval shall retain its academic approval during the appeal process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.36(C) and R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2584 (December 2015), amended LR 42:1871 (November 2016), LR 43:2129 (November 2017), LR 44:

**Chapter 5. Early Childhood Care and Education
Accountability System**

§503. Coordinated Observation Plan and Observation Requirements

A. ...

B. *CLASS*[®] Observation Requirements

1. A *CLASS*[®] observation is an observation of the typical experiences of children in a classroom using the appropriate toddler or pre-K *CLASS*[®] using all domains, typically occurring during the morning, in which a reliable observer conducts four 20-minute cycles of observation and note-taking followed by at least 10 minutes of scoring after each observation cycle.

2. - 3.c....

d. Infant Classrooms

i. For the 2018-2019 school year, all infant classrooms in a publicly-funded site shall be reported to the department as part of the community network's count of classrooms, and may conduct or allow local or third-party observations as practice.

ii. For the 2019-2020 school year, all infant classrooms in a publicly-funded site shall receive two *CLASS*[®] observations during the school year conducted by the community network, but the observations shall not be included in the performance ratings for the 2019-2020 school year.

(a). One observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

(b). *CLASS*[®] observations conducted by third-party contractors hired by the department shall not count towards this requirement.

iii. For the 2020-2021 school year and beyond, all infant classrooms in a publicly-funded site shall receive two *CLASS*[®] observations during the school year conducted by the community network.

(a). One observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

(b). *CLASS*[®] observations conducted by third-party contractors hired by the department shall not count towards this requirement.

4. Use of Infant, Toddler, or Pre-K *CLASS*[®]. Classrooms shall be observed with the same *CLASS*[®] throughout the school year based on the composition of the classroom when the observation plan required in §503.C is submitted according to the following:

a. a classroom that only has infant children or a classroom that has a mix of infant and toddler children in

which a majority are infant children shall be observed with the infant *CLASS*[®];

b. a classroom that has all toddler children or a classroom that has a mix of infant and toddler children in which the majority or at least half are toddler children shall be observed with the toddler *CLASS*[®];

c. a classroom that has all pre-K children or a classroom that has a mix of toddler and Pre-K children in which the majority or at least half are pre-K children shall be observed with the pre-K *CLASS*[®];

d. a classroom that has a mix of pre-K and kindergarten age children shall be observed using the pre-K *CLASS*[®] when either the majority of the class is pre-K or if the classroom receives early childhood funding;

e. a classroom that is a mix of infant, toddler, and pre-K children shall be observed using the tool appropriate for the majority of the class. If there is a no clear majority among the three age groups, the toddler tool shall be used.

5. - 5.b....

c. At the end of the school year, for observations conducted by a community network observer that have been compared to domain-level results conducted by the department's third-party contractors within the same community network, if 50 percent or more of the domain-level results are different by more than one point for the community network observer over the course of the school year, the department may determine that the community network observer shall not be able to conduct observations for that community network for the next observation period.

c.i. - d. ...

C. Coordinated Observation Plan

1. Local Protocol. Each community network shall develop and maintain, no later than September 30 of each year, a written local protocol for coordinated observation using *CLASS*[®] that at a minimum includes:

a. ...

b. a plan to ensure reliable data that includes the following requirements:

i. all observers are reliable, which is defined as all observers having a certification achieved by completing and passing all trainings and assessments required by Teachstone to conduct a *CLASS*[®] observation with validity and fidelity;

ii. all observers maintain inter-rater reliability and fidelity. Inter-rater reliability occurs when two or more observers produce consistent observation results for the same classroom at the same time;

iii. the community network conducts inter-rater reliability observation checks for 10 percent of all classrooms observed during the fall observation period and for 10 percent of all classrooms observed during the spring observation period, and that these reliability observation checks include every observer for the community network at least once annually; and

iv. no observer shall conduct an observation in which the observer is an immediate family member, as defined in R.S. 42:1101, of a teacher in the classroom being observed or an immediate family member of an individual who supervises or provides training or technical assistance to a teacher in the classroom being observed or has a direct financial interest in the site where the classroom is being observed.

2. Observation Schedule

a. In 2018-2019, each community network shall submit an observation schedule that includes two observations for each toddler and pre-K classroom identified in Paragraph B.3 of this Section.

b. In 2019-2020 and beyond, each community network shall submit an observation schedule that includes two observations for each infant, toddler, and pre-K classroom identified in Paragraph B.3.b, with one observation scheduled during the fall observation period and one during the spring observation period.

3. Submission of Observation Schedules

a. For the fall observation period, the observation schedule must be submitted to the department by October 1 unless otherwise specified by the department.

b. For the spring observation period, the observation schedule must be submitted to the department by February 1 unless otherwise specified by the department.

c. Lead agencies may alter these schedules after submission as required by local circumstances, or in order to complete local observations around the same time as third-party observations.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2586 (December 2015), amended LR 42:1872 (November 2016), LR 43:2131 (November 2017), LR 44:

§507. Performance Profile Implementation Timeline
Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2587 (December 2015), repealed LR 44:

§509. Performance Rating Calculations for Publicly-Funded Sites

A. Performance Rating

1. For the 2018-2019 and 2019-2020 school years, the performance rating for each publicly-funded site shall be based on the average of the dimension-level toddler and pre-K observation results from the fall and spring observation periods for all toddler and pre-K classrooms within the site, excluding the negative climate dimension.

2. For 2020-2021 school year and beyond, the performance rating for each publicly-funded site shall be based on the average of the dimension-level infant, toddler, and pre-K observation results from the fall and spring observation periods for all infant, toddler, and pre-K classrooms within the site, excluding the negative climate dimensions.

3. BESE may include a weight for improvement beginning with the 2016-2017 school year.

4. Sites that have classrooms that receive a score of 3.5 or above for the negative climate dimension shall receive a notice in writing at the end of the observation period in which they received that score. If a site receives a notice for two consecutive observation periods, an indicator of high negative climate may be reported on the performance profile.

B. - C.2. ...

a. Beginning with the 2016-2017 school year, if observation results conducted by community networks are consistently different by more than one point from observation results conducted by the department's third-party contractors, the department may replace all of the community network's observation results for a publicly-funded site with the results from the department's third-party contractors, including those results that do not differ by at least one point.

D. The performance rating for each site shall be based on the following numerical scale:

- 1. 6.0-7.0—excellent;
- 2. 5.25-5.99—high proficient;
- 3. 4.50-5.24—proficient;
- 4. 3.0-4.49—approaching proficient;
- 5. 1.0-2.99—unsatisfactory.

E. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2587 (December 2015), amended LR 42:1873 (November 2016), LR 44:

§511. Performance Rating Calculations for Community Networks

A. - B.2.b. ...

i. For every year after the 2015-2016 school year, if the observation results conducted by a community network are consistently different by more than one point from observation results conducted by the department's third-party contractor, the department may replace all of the community network's observation results for a publicly-funded site with the results from the department's third-party contractor for that site, including those results that do not differ by at least one point.

C. The equitable access score performance rating shall be determined by calculating the access achieved by the community network for all at-risk four-year-old children in the community network coverage area. Points are earned on a four-level rating scale according to:

Percentage of At-Risk Four-Year-Olds Served	Rating
95-100 percent	Excellent
85 - 94.99 percent	High Proficient
75-84.99 percent	Proficient
65-74.99 percent	Approaching Proficient
0-64.99 percent	Unsatisfactory

D. The CLASS® observation results performance rating for each community network shall be based on the following numerical scale:

- 1. 6.0-7.0—excellent;
- 2. 5.25-5.99—high proficient;
- 3. 4.50-5.24—proficient;
- 4. 3.0-4.49—approaching proficient;
- 5. 1.0-2.99—unsatisfactory.

E. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2588 (December 2015), amended LR 42:1874 (November 2016), LR 44:

§512. Performance Ratings for Publicly-Funded Sites

A. - A.3. ...

B. Early Childhood School or Center Improvement Planning Process

1. Beginning with the 2018-2019 school year, publicly-funded sites rated below 3.75 for the previous year shall participate in an early childhood school or center improvement planning process. At a minimum, sites must:

- a. develop and submit a plan for school or center improvement in consultation with the department;
- b. implement the plan for school or center improvement and allow for regular monitoring of implementation by the department; and
- c. provide any reports or information related to the plan for school or center improvement as requested by the department.

C. Rewards and Recognition

1. Beginning in the 2016-2017 school year, sites and community networks that are rated "excellent" shall be included in an annual honor roll published by the department and be eligible for financial rewards, as funds are available and as determined by the department.

2. No later than the 2017-2018 school year, sites and community networks that demonstrate significant improvement in their overall score or rating shall be labeled "top gains" on their performance profile and be eligible for financial rewards, as funds are available and as determined by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:1874 (November 2016), amended LR 44:

§515. Reporting for the Accountability System

A. - A.4. ...

B. Publicly-funded sites shall report to the department by October 31 for all classrooms in existence on October 1 and by February 28 for classrooms opened between October 1 and February 1, in the manner specified by the department, the following:

- 1. - 2. ...
- 3. credential and certification status of one lead teacher per classroom; and
- 4. ...

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2589 (December 2015), amended LR 42:1875 (November 2016), LR 44:

§517. Data Verification

A. - B.3. ...

4. Data corrections for CLASS® scores may only be submitted for the following reasons:

A.4. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2590 (December 2015), amended LR 42:1876 (November 2016), LR 44:

§523. Disaster Consideration for Programs and Community Networks

A. - B. ...

C. Severe impact sites and severe impact community networks may qualify for a waiver for up to one school year from participation in the accountability system.

1. A severe impact site or severe impact community network that is not open or operational for at least one of the observation periods during the school year may qualify for a waiver from participation in the accountability system for up to that one observation period.

2. A severe impact site or severe impact community network that is not open or operational during both observation periods during the school year in which the disaster occurred may qualify for a waiver for the school year.

3. BESE shall not issue a performance profile for any severe impact site or severe impact community network that is not open or operational during both observation periods of the school year in which the disaster occurred unless the site or community network requests that the performance profile be issued. BESE may extend such site or community network' performance rating and score from the previous year.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2591 (December 2015), amended LR 44:

Chapter 7. Coordinated Enrollment

§703. Coordinated Enrollment Process

A. - G.4. ...

5. Written notice of the process outlined in Paragraph 2 of this Subsection, as well as of the complaint process described in LAC 28:CLXVII.311.A-F, and the appropriate contact information for the department, shall be made available to any parent or caregiver.

H. Community networks shall determine preliminary eligibility for families interested in CCAP during the coordinated eligibility determination as provided in §703.B.2, and the department shall determine final eligibility for CCAP.

I. Prior to the start of the school year, BESE shall review this Chapter and revise as necessary based on learnings from the previous year. A work group of the Early Childhood Care and Education Advisory Council shall be formed to study the effectiveness of the coordinated enrollment process and make recommendations to the council and BESE for changes for implementation in the following school year. This research may include, but not be limited to, defining key indicators of effectiveness, conducting focus groups of all provider types, reviewing data on the placement of new early childhood seats opened statewide, and reviewing other available information. The department, with assent shown by vote of the advisory council, may decide in a given year that no review is needed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq., and R.S. 17:407.91 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2591 (December 2015), amended LR 42:1876 (November 2016), LR 44:

§705. Implementation Timeline

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq., and R.S. 17:407.91 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2592 (December 2015), amended LR 42:1876 (November 2016), repealed 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 noon, June 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 140—Louisiana Early Childhood Care and Education Network

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

The proposed policy revisions may result in an increase in expenditures by the Louisiana Department of Education (LDE), as well as for local school districts acting as the Community Network lead agency and individual early childhood schools or centers. Early childhood program activities are funded from multiple sources including federal Child Care and Development Funds (CCDF), federal IDEA funds, federal grant funds, and state general funds, as well as local funding and other available resources. While these funds may be used for expenses associated with the implementation of the new requirements defined in the proposed rule, existing funding levels may be insufficient to fully fund actual costs.

Significant revisions establish a minimum number of hours taught by lead teachers with certain credentials; require two CLASS observations for infant classrooms annually; and require the development and implementation of an improvement plan for sites with annual performance ratings below 3.75.

Early Learning Centers may be required to increase pay for existing teachers or hire additional personnel who have the necessary credentials to ensure the minimum of 20 hours per week of care be provided by lead teachers that meet the stated criteria. However, the LDE does provide resources to these centers and their staff to assist in obtaining the necessary credentials which could also be accessed to ensure existing staff have the required certifications and mitigate any potential costs increases.

Lead agencies will incur additional costs to meet the required CLASS observations for infant classrooms. The cost

per observation ranges from \$100 to \$300 depending upon who conducts the observation. The Networks receive funding from the LDE which is used to offset these costs, however, to the extent the funding is not increased commensurate with the increased number of required observations, lead agencies will be required to identify alternative funding sources, or reduce expenditures of other activities.

Finally, the proposed revisions require early childhood schools or centers to develop and submit improvement plans based on annual performance scores. Such plans may require additional resources including professional development and curriculum improvements. Affected entities may avail themselves of resources provided by the LDE, however not all costs will be covered by the LDE and entities will be required to utilize other available resources.

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

Lead agencies may receive increased grant funding from the LDE to address the increased costs of the Class observations.

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

A lead agency may also be a non-profit or for-profit corporation. As such the implementation costs and allocations for lead agencies described above will apply to these non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There may be increased demand for individuals and organizations which conduct CLASS observations. Furthermore, the demand for teachers who meet the necessary teaching credentials will likely increase which could result in increased employment opportunities and earning potential for those individuals.

Early learning centers which fail to achieve minimum performance scores and do not have the resources necessary to implement improvement plans could choose to close or discontinue participation as a publicly funded center. Any such impacts are indeterminable at this time.

Beth Scioneaux
Deputy Superintendent
1805#055

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Tuition Trust Authority
Office of Student Financial Assistance**

**START Saving Program
(LAC 28:VI.311, 315, 507, 509, and 517)**

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

This rulemaking adds the applicable interest rates for the START Saving Program for the 2017 calendar year. It adds provisions allowing the rollover of a START Saving Program account to a qualified ABLE program to bring the program in line with amendments to IRC section 529 as part of the Tax Cuts and Jobs Act of 2017. It also allows a juridical entity to open an LA ABLE account on behalf of a disabled individual under specified circumstances. (ST18181NI)

**Title 28
EDUCATION**

**Part VI. Student Financial Assistance—Higher
Education Savings**

Chapter 3. Education Savings Account

**§311. Termination, Refund, and Rollovers of an
Education Savings Account**

A. - G. ...

H. Rollovers

1. Rollovers among ESAs of the Same Account Owner

a. Beginning October 1, 2009, an account owner may rollover any part or all of the value of an ESA to another ESA if the beneficiary of the account receiving the funds is a member of the family of the beneficiary of the original account.

b. If the current value of an ESA is transferred, all EEs and earnings thereon shall be included in the transfer.

2. Rollover to another Qualified Tuition Program

a. An account owner may request a rollover of the current value of the account less EEs and earnings thereon to another qualified tuition program.

b. EEs and the earnings thereon allocated to an ESA that is rolled over to another qualified tuition program are forfeited.

3. Rollover to a Qualified ABLE Program Account

a. Beginning May 1, 2018, an account owner may rollover any part or all of the value of an ESA to a qualified ABLE program account if the beneficiary of the account receiving the funds is a member of the family of the beneficiary of the ESA.

b. EEs and the earnings thereon allocated to an ESA that is transferred to a qualified ABLE program are forfeited.

c. A rollover by a Louisiana resident to any qualified ABLE program account will be subject to Louisiana tax table income in accordance with state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 30:790 (April 2004), LR 31:639 (March 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:444 (March 2007), LR 35:236 (February 2009), LR 36:492 (March 2010), LR 36:2551 (November 2010), LR 39:2238 (August 2013), LR 42:1080 (July 2016), LR 44:

§315. Miscellaneous Provisions

A. - B.36. ...

37. For the year ending December 31, 2017, the Louisiana education tuition and savings fund earned an interest rate of 1.68 percent.

38. For the year ending December 31, 2017, the savings enhancement fund earned an interest rate of 1.52 percent.

C. - S.2. ...

AUTHORITY NOTE: Promulgated in accordance with 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:712 (June