



# STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064 · PHONE: 225-342-5840 · FAX: 225-342-5843

September 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

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**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 August 20, 2018, Notice of Intent that was promulgated on pages 1467 - 1471 of the *Louisiana Register*.

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

The Board has made no change to the proposed Rule.

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

the transferee to the transferor, and any other information required by the Department of Revenue.

c. The notification submitted to the Department of Revenue shall include a transfer processing fee of two hundred dollars per transferee.

d. Failure to comply with this Paragraph shall result in the disallowance of the tax credit until the taxpayers are in full compliance.

3. The transfer or sale of credits does not extend the time in which the credits can be used.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 47:6015.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Office of Business Development, LR 44:

#### **Family Impact Statement**

The proposed Rule changes have no impact on family formation, stability or autonomy, as described in R.S. 49:972.

#### **Poverty Impact Statement**

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

#### **Small Business Analysis**

The proposed Rule is not anticipated to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting the proposed Rule to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

#### **Provider Impact Statement**

The proposed Rule is not anticipated to have an impact on providers of services as described in HCF 170 of the 2014 Regular Legislative Session.

#### **Public Comments**

Interested persons may submit written comments to Robin Porter, Louisiana Department of Economic Development, P.O. Box 94185, Baton Rouge, LA 70804-9185; or physically delivered to the LaSalle Building, Office of the Secretary, Eleventh Floor, 617 North Third Street, Baton Rouge, LA, 70802. Comments may also be sent by fax to (225) 342-9448, or by email to Robin.Porter@la.gov. All comments must be received no later than close of business Tuesday, September 25, 2018.

#### **Public Hearing**

A public hearing to receive comments on the Notice of Intent will be held on Wednesday, September 26, 2018 at 10 am in the Griffon Conference Room at the Department of Economic Development, 617 North Third Street, Baton Rouge, LA 70802.

Anne Villa  
Undersecretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Research and Development Tax Credit Program**

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

The proposed rule change is not anticipated to result in any additional expenditures or savings for state or local

governmental units. The LA Dept. of Economic Development (LED) intends to administer the program with existing resources and personnel. Any additional administrative expenditures that may be incurred are anticipated to be marginal and will be absorbed within LED's existing resources. The proposed rule changes revise the Research & Development tax credit program regarding credit amounts and transferability.

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

The proposed rule changes will increase program credit costs by \$200,000 in FY 19, and then decrease costs beginning in FY 20 with anticipated phase-up of savings totaling \$900,000 annually by FY 21. For reference, the current baseline of the program totals approximately \$4.7 M annually.

Providing transferability to the tax credits given to Small Business Innovation Research/Small Business Technology Transfer (SBIR/SBTT) firms, even with the reduced rate from 40% to 30%, likely increases program costs by \$1.8 M per year. Being applicable to tax year 2018, the additional costs are likely to be realized against state fiscal as early as FY 19. However, the credit rates and requiring smaller firms to exceed the base spending threshold for credits to apply work to reduce program credit costs by an estimated \$2.7 M. The net effect of the revisions to the credits serves to reduce the program by up to \$900,000 annually, although this net effect will be realized over time, as it will take approximately four years for firms participating in the program under its current parameters to work through the program, while new entrants with lower associated costs accumulate in the program.

Furthermore, a \$200 per transfer fee is imposed to help defray the costs of the transferable credit registry. This may generate additional SGR collections for the LA Dept. of Revenue depending upon the number of credit transfers, though revenue from this source is speculative.

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

The modifications to the Research & Development credit program regarding lowered credit amounts may represent a reduced economic benefit to eligible firms, as they will receive reduced credits from the state. However, eligible firms that receive a federal Small Business Innovation and Research Grant, (SBIR) or Small Business Technology Transfer (SBTT) grant will now have the ability to transfer the credits issued to them under the R&D program, which represents a new economic benefit for these firms.

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

Companies receiving benefits under this program will gain competitively over companies that do not receive the program's benefits.

Anne G. Villa  
Undersecretary  
1808#034

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Board of Elementary and Secondary Education**

Administrative Board Operations and Programs  
(LAC 28:I Chapter 3, 503, 705,  
715, 1303, 2103, and 2709)

The Board of Elementary and Secondary Education proposes to amend LAC 28:I in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10). Provisions governing the board are being

amended, adopted, or repealed in order to add pertinent definitions, update citations, remove obsolete information, and streamline the regulations. The basis and rationale for this proposed Rule are to maintain the regulations that govern the Board of Elementary and Secondary Education, as well as the programs charged to the board.

**Title 28**

**EDUCATION**

**Part I. BESE/8(g) Operations**

**Subpart 1. Board of Elementary and Secondary Education**

**Chapter 3. Composition and General Authority**

**§307. General Powers and Duties**

A. - A.9. ...

10. except as otherwise provided by law, approve private schools in accordance with the provisions of R.S. 17:11 and other applicable laws;

11. - 16. ...

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VIII, §8 and R.S. 17:6(A), 17:7(2)(a), 17:7(3), 17:7(4), 17:7(5), 17:7(6)(a)(i), 17:7(7), 17:7(8), 17:4.1, 17:43, 17:348, 17:6(A)(10), 17:6(A)(11), 17:10.5, 17:1990 and 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:410 (March 2008), amended LR 38:3150 (December 2012), LR 39:3262 (December 2013), LR 44:

**§309. State Superintendent**

A. - D.4. ...

5. The state superintendent may delegate, subject to the approval of the board, the appointing authority conferred upon him/her by law as to the recovery school district to the recovery school district supervising executive. The state superintendent may delegate administrative authority conferred upon him/her by law as to the recovery school district to the recovery school district supervising executive, subject to any restrictions provided by law, rule, or policy.

E. - E.6.b. ...

c. The state superintendent shall appoint the recovery school district supervising executive with prior approval of the board. The board president shall be notified of any acting appointments taking effect and the board shall be notified of the acting appointment at its next regularly scheduled meeting. Upon appointment approval by the board, the employment of the recovery school district supervising executive will continue unless he/she is removed by the board upon recommendation of the state superintendent or upon voluntary separation from employment.

6.d. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:21(C), 17:6(B), 17:21(B), 17:21(D), 17:21(A), 17:1990, 17:24(A), 17:24(B), 17:24(C), 17:24(D), 17:22(2)(f), 36:645, 17:22(6), 17:88(B), 17:88(D), 17:92, 17:10.6(A)(2), 17:3983, 17:43, 17:1945, 36:642(C)(1), and 36:648.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:410 (March 2008), amended LR 37:886 (March 2011), LR 38:3150 (December 2012), LR 39:3262 (December 2013), LR 44:

**§311. The Special School District**

A. - A.1.a. ...

b. The special school programs provide educational services to students enrolled in state-approved programs in non-traditional settings such as those provided by the

Department of Health's Office for Citizens with Developmental Disabilities and the Office of Behavioral Health, the Office of Juvenile Justice, and the Department of Public Safety and Corrections.

B. - B.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:4.1, R.S. 17:6(B), 17:43, 17:1945, 36:642(C)(1), and 36:648.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:412 (March 2008), amended LR 38:3151 (December 2012), LR 39:3262 (December 2013), LR 44:

**§313. The Recovery School District**

A. - B.2. ...

3. The overall administrative organization of the recovery school district consists of the board in the exercise of its approval over the administration of the recovery school district, the state superintendent acting as the recovery school district's governing authority, consistent with authority delegated by the board and statutory authority acknowledged by the board, and a supervising executive of the recovery school district.

4. The recovery school district shall be administered by a ~~superintendent~~, who shall report to the state superintendent. The responsibilities and duties of the recovery school district supervising executive shall be prescribed by the state superintendent.

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:6(B), and 36:651(F).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:413 (March 2008), amended LR 36:2851 (December 2010), LR 38:3151 (December 2012), LR 39:3262 (December 2013), LR 44:

**Chapter 5. Organization**

**§503. Advisory Councils**

A. - C.3.b.i. ...

ii. the supervising executive of the RSD, who is appointed by the state superintendent of education;

C.3.b.iii. - G.2. ...

3. Agendas of council meetings shall be distributed to council members by the board staff at least 7 days in advance of a meeting, calendar permitting. All council meetings shall be conducted in accordance with the Louisiana open meetings law (R.S. 42:11 et seq.). In the event that no items have been referred by the board to an advisory council for consideration, there are no items pending on an advisory council agenda, and the LDE has no items to bring forward to the advisory council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled and the members shall be notified of the cancellation.

4. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present at a meeting and subject to other provisions of the statute.

5. - 8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:6(A)(15), 17:11, 17:24.4, and 42:19.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:416 (March 2008), amended LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2140 (July 2011), LR 38:772 (March 2012), LR 38:3152 (December 2012), LR 39:3263 (December 2013), LR 42:563 (April 2016), LR 44:744 (April 2018), LR 44:

supervising executive

## Chapter 7. Operations

### §705. Agenda

A. - B.3. ...

C. Amending Board or Committee Agenda. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present at a meeting and subject to other provisions of the statute.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and 42:19.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:420 (March 2008), amended LR 37:2141 (July 2011), LR 38:3153 (December 2012), LR 39:3264 (December 2013), LR 44:

### §715. Executive Session

A. An executive session of the board or its committees shall be conducted in accordance with state law and may include discussion of matters relative to:

1. the character, professional competence, or physical or mental health of a person;
2. any report, development, or course of action regarding security personnel, plans, or devices;
3. prospective and/or pending litigation; and
4. any other issue permitted by law to be discussed in executive session.

B. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:16, 42:17, and 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:423 (March 2008), amended LR 39:3265 (December 2013), LR 44:

## Chapter 13. Regulatory Documentation and Procedures

### Subchapter A. Regulatory Documents

#### §1303. Rulemaking

A. - B. ...

C. The following process must be followed for adoption of a new policy, the amendment of an existing policy, or the repeal of an existing policy.

1. The board approves a proposed Rule to be advertised as a Notice of Intent. The Notice of Intent approval will serve as authorization for the BESE executive director to submit the Notice of Intent to the Division of Administration's Office of the State Register to be published in the *Louisiana Register* for final adoption as a Rule at the expiration of the required 90-day advertisement period, if no public comments are received relevant to said Notice of Intent. If comments are received regarding the Notice of Intent, the comments will be considered by the board prior to final adoption as a Rule (refer to Subparagraphs 2.e-2.f.ii of this Subsection).

2. Following approval of a proposed Rule to be advertised as a Notice of Intent:

a. the appropriate LDE/BESE staff is requested to submit proposed policy language, a Family Impact Statement, a Poverty Impact Statement, a Small Business Analysis, a Provider Impact Statement, a Public Comments paragraph, a Public Hearing paragraph (if applicable), a Fiscal and Economic Impact Statement (FEIS), and comparison language to the board recorder for processing;

b. ...

c. after the FEIS is approved by the LFO, the board recorder prepares the Notice of Intent in compliance with statutory specifications and submits it to the *Office of the State Register* for publication in the *Louisiana Register*. A report regarding the Rule is also submitted to the appropriate legislative committees;

d. Upon publication of the Notice of Intent in the *Louisiana Register*, a period of 90 days must elapse before the Notice of Intent can be adopted as a final Rule.

e. - f.ii. ...

3. The deadline for submission of information for publication in the *Louisiana Register* is the tenth of the month unless the tenth falls on a weekend or holiday, in which case the deadline will be the last business day prior to the tenth of the month.

D. - E. ...

F. Codified board policies are posted on the Office of the State Register's website and are also accessible through links on the BESE website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and 49:951 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:426 (March 2008), amended LR 37:3220 (November 2011), LR 38:3156 (December 2012), LR 39:3267 (December 2013), LR 44:745 (April 2018), LR 44:

### Subchapter B. Petitioning for Rulemaking

#### §1309. Content of a Rulemaking Petition

A. In accordance with R.S. 49:953(C)(1), any interested person may petition the board's executive director in writing to adopt a new rule or amend or repeal an existing rule contained within the *Louisiana Administrative Code*, Title 28.

B. The petition shall include:

1. the petitioner's name and address;
2. the petitioner's interest in the proposed action;
3. the basis for the request;
4. specific text or a description of the proposed language desired for the adoption or amendment of a rule or the specific regulation and language requested for repeal;
5. any other information that justifies the proposed action; and
6. the signature of the petitioner requesting the rule change.

C. A copy of the form to petition for rulemaking, as described in Subsection B of this Section, can be obtained:

1. from BESE's website;
2. by requesting a copy sent through the U.S. Mail; or
3. by means of facsimile.

D. The petition shall be submitted by certified mail and addressed to:

Board of Elementary and Secondary Education  
Attn: Executive Director of the Board  
P.O. Box 94064, Capital Station  
Baton Rouge, LA 70804

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 49:953 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:

#### §1311. Processing a Rulemaking Petition

A. Upon receipt, a petition for rulemaking shall be reviewed for completeness, as prescribed in LAC 28:I.1309.

If found complete, the petition shall be processed in accordance with this Section.

B. Within 90 days of receipt of the petition for rulemaking, the executive director, after consulting with the board's officers, shall either:

1. initiate procedures for processing a proposed regulation, along with the rulemaking procedures provided in R.S. 49:950 et seq., upon approval to proceed with rulemaking; or

2. shall notify the petitioner in writing, stating the reason(s) for the denial, upon a denial to proceed with rulemaking.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 and 49:953 et seq.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 44:

**Subpart 3. Bulletin 921—Policy and Procedure Manual for the Louisiana Quality Education Support Fund 8(g) Chapter 21. Legislation and Purpose**

**§2103. Definitions**

**[Formerly LAC 28:XCIII.103]**

A. As used in this document, the following terms shall have the meaning specified.

*8(g) Advisory Council*—an advisory council to the BESE which annually makes recommendations on the program, budget, and recommended projects for funding to be allocated by the BESE. The council shall operate in accordance with LAC 28:I.503 and shall serve without compensation, except for reasonable and necessary expenses for attending meetings and performing duties.

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**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10).

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 38:3142 (December 2012), amended LR 44:

**Chapter 27. Annual 8(g) Program and Budget  
Subchapter A. Establishment of Annual 8(g) Program and Budget**

**§2709. Notice of Adoption of Annual 8(g) Program and Budget**

**[Formerly LAC 28:XCIII.709]**

A. The board shall post on its website a summary of the adoption of the annual 8(g) program and. Such summary shall consist of a summary of the educational objectives and/or programs to receive budgetary priorities, including the proposed allocation. Such report shall include, but not be limited to, the following:

1. - 3. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10).

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 38:3144 (December 2012), amended 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 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, September 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: Administrative Board  
Operations and Programs**

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

The proposed policy revisions will have an indeterminable impact to the state Department of Education (LDE).

Provisions governing the board are being amended, adopted, or repealed in order to add pertinent definitions, update citations, remove obsolete information, and streamline the regulations. Additionally, changes provide for any interested person to petition the board to adopt a new rule or amend or repeal an existing rule. The board shall review the request and initiate procedures to process the request or notify the petitioner in writing of a denial. Such provisions could result in a workload increase for the staff of the Board of Secondary and Elementary Education (BESE) and the LDE, however, the extent of such increases will depend upon the frequency and complexity of requests which may be exercised and are indeterminable at this time.

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

The proposed policy revisions 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 are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

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

There are no estimated impacts on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
1808#042

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

~~Bulletin 111—The Louisiana School, District, and State Accountability System—Schools with Insufficient Test Data; Strength of Diploma Index; and Urgent and Comprehensive Intervention. Subgroup Performance (LAC 28:XL.607, 709, and 901)~~

~~In accordance with R.S. 17:6(A)(10) and 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 amendments~~

~~to Bulletin 111—The Louisiana School, District, and State Accountability System.~~

**Title 28  
EDUCATION**

**Part XI. Accountability/Testing  
Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System**

**Chapter 6. Inclusion in Accountability**

**§607. Pairing/Sharing of Schools with Insufficient Test Data**

**[Formerly §521]**

A. Any school with at least one testing grade (4-11) will receive an SPS based only on its own student data provided that it meets the requirements of LAC 28:XL.605.

B. Any K-3 school will receive an SPS calculated according to the formula in LAC 28:XL.301 using the K-8 assessment index based only on its own student data, provided it meets the requirements of LAC 28:XL.605, or an SPS calculated according to the formula in LAC 28:XL.301 using the K-8 assessment index based only on its own student data and the K-8 progress index equal to the K-8 progress index of the school to which it is paired, whichever results in the higher SPS.

C. Any K-2 school with insufficient testing data will be awarded an SPS equal to the SPS of the school to which it is paired.

D. Any school enrolling only 12th grade students will be awarded an SPS based on shared data from a school or schools containing grades 9-11 that send it the majority of its students. This sharing relationship is to define the cohort that will provide the starting roster on which its graduation index will be based.

E. Any K-2, 9-12 configuration shall receive an SPS based solely on the 9-12 data.

F. A district must identify the school where each of its non-standard schools shall be paired in order to facilitate the proper sharing of data for reporting purposes, as described above. The paired school must be the one that receives by promotion the largest percentage of students from the non-standard school. In other words, the paired school must be the school into which the largest percentage of students feed. If two schools receive an identical percentage of students from a nonstandard school, or when there is no distinct feeder pattern, the district shall select the paired school.

G. Requirements for the number of test/graduation index units shall be the sum of the units used to calculate the school's SPS (see LAC 28:XL.605).

H. If a school has too few test units to be a "stand-alone" school, it may request to be considered stand-alone.

1. It shall receive an SPS that is calculated solely on that school's data, despite the small number of test units.

2. The request shall be in writing to the LDE from the LEA superintendent.

3. The school forfeits any right to appeal an SPS and status based on minimum test unit counts.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 and 17:10.1.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 30:1445 (July 2004), LR 32:1023 (June 2006), LR 36:1991 (September 2010), LR 38:3108 (December 2012), LR