



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

James Garvey
1st BESE District

Kira Orange Jones
2nd BESE District

Sandy Holloway
3rd BESE District

Sue Weaver
4th BESE District

Ashley Ellis
5th BESE District

Ronnie Morris
6th BESE District

Holly Boffy
7th BESE District

Preston Castille
8th BESE District

Belinda Davis
Member-at-Large

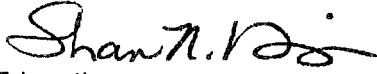
Thomas Roque
Member-at-Large

Doris Voitier
Member-at-Large

February 2, 2021

MEMORANDUM

TO: Senator Patrick Page Cortez, Senate President
Representative Clay Schexnayder, Speaker of the House
Senator Cleo Fields, Chair, Senate Committee on Education
Representative Raymond E. Garofalo, Chair, House Committee on Education

FROM: Shan N. Davis, Executive Director 
Board of Elementary and Secondary Education

RE: 2020 Yearly Action Report

Pursuant to R.S. 49:968(K), the Board of Elementary and Secondary Education is submitting the attached 2020 Yearly Action Report regarding adoption, amendment, or repeal of any rule or the adoption, increase, or decrease of any fee during the calendar year 2020 (January 1, 2020, through December 31, 2020). Also attached are the summaries regarding petitions for rulemaking reviewed by the Board during the calendar year 2020 (January 1, 2020, through December 31, 2020).

Please contact me if I may be of assistance to you concerning these documents.

SND:slr

Attachments (2)

Shan N. Davis
Executive Director

Cade Brumley
State Superintendent

Attachment 1

2020 Action Report

Bulletin and Notice of Intent Title	Date of Board Action	1st Report- NOI/Rules submitted to OSR and 4 Legis. Entities	Date Notice of Intent Published	Public Com- ments Received	Request for Public Hearing received	Summary Report (2nd Report) - no hearing or comments	Summary Report (2nd Report) - with hearing or comments	Rule
1566 - August Sections 503, 705, 707, and 901	8/14/19	10/10/19	10/20/19	no	no	11/11/19	NA	Jan-2020
111 - August Sections 409 and 4001 /// 118 - August Sections 7301, 7307, 7311, 5701, 8307, and 8505 /// 741 - August Section 351	8/14/19	10/10/19	10/20/19	no	no	11/11/19	NA	Jan-2020
746 - August Section 101	8/14/19	10/10/19	10/20/19	no	no	11/11/19	NA	Jan-2020
1706 - October 101, 153, 450, 508, 904, 1101, 1153, 1508, and 1511	10/16/19	11/8/19	11/20/19	no	no	12/11/19	NA	Feb-2020
741 - October Section 507 /// 746 - October Sections 203, 305, 313, and 304 /// 996 - October Section 745	10/16/19	12/9/19	12/20/19	no	no	1/10/20	NA	Mar-2020
DECLARATION OF EMERGENCY - 746 Section 203	10/16/19	NA	OSR posted Emergency Rule 10/18/19; Eff. 10/16/19 until 2/13/20	NA	NA	NA	NA	NA
DECLARATION OF EMERGENCY EXT. - 118 Sections 6115 and 6813	8/14/19	NA	OSR posted Emergency Rule ext. 12/12/19; Eff. 12/12/19 until 4/10/20	NA	NA	NA	NA	NA
DECLARATION OF EMERGENCY EXT. - 139 Sections 319 and 515	8/14/19	NA	OSR posted Emergency Rule ext. 12/12/19; Eff. 12/12/19 until 4/10/20	NA	NA	NA	NA	NA
DECLARATION OF EMERGENCY EXT. - 746 Section 101	8/14/19	NA	OSR posted Emergency Rule ext. 12/12/19; Eff. 12/12/19 until 4/10/20	NA	NA	NA	NA	NA
741 - December Sections 2318 and 2319	12/11/19	1/10/20	1/20/20	no	no	2/10/20	NA	Apr-2020
140 - December Sections 901, 903, 905, 907, 909	12/11/19	1/10/20	1/20/20	no	no	2/10/20	NA	Apr-2020
746 - December Section 203	12/11/19	1/10/20	1/20/20	no	no	2/10/20	NA	Apr-2020

The 2020 Action Report reflects policy revisions that occurred during the 2020 calendar year, whether or not the action taken was in the form of a Board approved Notice of Intent or in the form of a Final Rule noticed in the Louisiana Register.

2020 Action Report

Bulletin and Notice of Intent Title	Date of Board Action	1st Report- NO/Rules submitted to OSR and 4 Legis. Entities	Date Notice of Intent Published	Public Comments Received	Request for Public Hearing received	Summary Report (2nd Report) - no hearing or comments	Summary Report (2nd Report) - with hearing or comments	Rule
126 - January Sections 1505 and 3709	1/29/20	3/9/20	3/20/20	no	no	4/9/20	NA	Jun-2020
138 - March Section 201 /// 741 - March Sections 345 and 2319	3/11/20	5/8/20	5/20/20	no	no	6/10/20	NA	Aug-2020
741NP - March Sections 2102, 2109, 2319, and 2320	3/11/20	5/8/20	5/20/20	no	no	6/10/20	NA	Aug-2020
741 - March Sections 901 and 2324	3/11/20	5/8/20	5/20/20	no	no	6/10/20	NA	Aug-2020
111 - June Sections 301, 801, and 803	6/16/20	7/10/20	7/20/20	no	no	8/10/20	NA	Oct-2020
118 - June Section 6829	6/16/20	7/10/20	7/20/20	no	no	8/10/20	NA	Oct-2020
DECLARATION OF EMERGENCY 118 - June Section 6829	6/16/20	NA	OSR posted Emergency Rule 6/19/20; Eff. 6/16/20 until 10/14/20	NA	NA	NA	NA	NA
139 - June Section 509	6/16/20	7/10/20	7/20/20	no	no	8/10/20	NA	Oct-2020
746 - June many sections	6/16/20	7/10/20	7/20/20	no	no	8/10/20	NA	Oct-2020
741 - July Section 401, 403, 405, and 3703	7/14/20	9/10/20	9/20/20	yes	no	NA	10/16/20	Dec-2020
DECLARATION OF EMERGENCY 741 - July Section 401, 403, 405, and 3703	7/14/20	NA	OSR posted Emergency Rule 7/16/20; Eff. 7/14/20 until 11/11/20	NA	NA	NA	NA	NA
741NP - July Sections 1105, 1107, 1109, and 3303	7/14/20	9/10/20	9/20/20	no	no	10/13/20	NA	Dec-2020
DECLARATION OF EMERGENCY 741NP - July Sections 1105, 1107, 1109, and 3303	7/14/20	NA	OSR posted Emergency Rule 7/16/20; Eff. 7/14/20 until 11/11/20	NA	NA	NA	NA	NA
126 - July Sections 103, 4101, 4103, and 4105	7/14/20	9/10/20	9/20/20	no	no	10/13/20	NA	Dec-2020
DECLARATION OF EMERGENCY 126 - July Sections 103, 4101, 4103, and 4105	7/14/20	NA	OSR posted Emergency Rule 7/16/20; Eff. 7/14/20 until 11/11/20	NA	NA	NA	NA	NA
741 - August Section 2317	8/12/20	9/10/20	9/20/20	no	no	10/13/20	NA	Dec-2020
131 - October Section 2101	10/14/20	12/10/20	12/20/20	no	no	1/10/21	NA	Mar-2021
119 - October many sections	10/14/20	12/10/20	1/20/21	no	no	2/10/21	NA	Apr-2021
126 - October Section 2801	10/14/20	12/10/20	1/20/21	no	no	2/10/21	NA	Apr-2021
130 - October Sections 105, 301, and 305	10/14/20	12/10/20	12/20/20	no	no	1/10/21	NA	Mar-2021

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DECLARATION OF EMERGENCY EXT. 118 - June Section 6829	6/16/20	NA	OSR posted Emergency Rule ext: 10/15/20; Eff. 10/15/20 until 2/11/21 OSR posted Emergency Rule ext: 11/12/20; Eff. 11/12/20 until 3/11/21	NA	NA	NA	NA	NA
DECLARATION OF EMERGENCY EXT. 741 - July Section 401, 403, 405, and 3703	7/14/20	NA	OSR posted Emergency Rule ext: 11/12/20; Eff. 11/12/20 until 3/11/21	NA	NA	NA	NA	NA
DECLARATION OF EMERGENCY EXT. 741NP - July Sections 1105, 1107, 1109, and 3303	7/14/20	NA	OSR posted Emergency Rule ext: 11/12/20; Eff. 11/12/20 until 3/11/21	NA	NA	NA	NA	NA
DECLARATION OF EMERGENCY EXT. 126 - July Sections 103, 4101, 4103, and 4105	7/14/20	NA	OSR posted Emergency Rule ext: 11/12/20; Eff. 11/12/20 until 3/11/21	NA	NA	NA	NA	NA
Bulletin 111 - December many sections	12/16/20	1/10/20	1/20/21			2/10/21		Apr-2021
Bulletin 118 - December many sections	12/16/20	1/10/20	1/20/21			2/10/21		Apr-2021
DECLARATION OF EMERGENCY 741 - December section 401 // 741 (Nonpublic) - December section 1105 // 126 - December section 4101	12/16/20	NA	OSR posted Emergency Rule 11/30/20; Eff. 11/30/20 until 3/30/21	NA	NA	NA	NA	NA
741 - December section 401 // 741 (Nonpublic) - December section 1105 // 126 - December section 4101	12/16/20	1/10/20	1/20/21			2/10/21		Apr-2021
135 - December sections 501, 503, and 507	12/16/20	1/10/20	1/20/21			2/10/21		Apr-2021
139 - December section 707	12/16/20	1/10/20	1/20/21			2/10/21		Apr-2021
Declaration of Emergency 139 - December section 707	12/16/20	NA	OSR posted Emergency Rule 12/17/20; Eff. 12/16/20 until 4/15/21	NA	NA	NA	NA	NA
140 - December section 503	12/16/20	1/10/20	1/20/21			2/10/21		Apr-2021

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2020 Action Report

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Declaration of Emergency 140 - December section 503	12/16/20	NA	OSR posted Emergency Rule 12/17/20; Eff. 12/16/20 until 4/15/21	NA	NA	NA	NA	NA
1903 - December sections 101, 103, 105, 107, 109, and 111	12/16/20	1/10/20	1/20/21					Apr-2021
746 - December section 203	12/16/20	1/10/20	1/20/21			2/10/21		Apr-2021
Declaration of Emergency 746 - December section 203	12/16/20	NA	OSR posted Emergency Rule 12/17/20; Eff. 12/16/20 until 4/15/21	NA	NA	NA	NA	NA

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Attachment 2



Petition for Rulemaking

for submission to the
Louisiana State Board of Elementary
and Secondary Education (BESE)

For BESE Office Use Only	
Date received	<u>1/2/2020</u>
Received by	<u>Jennifer Womack</u>
Signature	<u>Jennifer Womack</u>
Date formally presented to BESE	<u>1/29/20</u>

I, Emily DiStefano, a citizen of the state of Louisiana, whose signature is appended to this petition, hereby petition the Louisiana State Board of Elementary and Secondary Education (BESE), in accordance with the Louisiana Administrative Procedure Act, R.S. 49:953(C) and LAC 28:1.1309, regarding the following: (Use separate form for each bulletin)

Bulletin number: 1903

Section number(s): 101-1309

The petition requests that BESE: (Check all that apply)

- Adopt new Rule(s)
- Amend current Rule(s)
- Repeal current Rule(s), as follows:

Justification for the requested revision(s): (Summarize content and impact of proposal)

see attached

Additional pages or a separate attachment are acceptable.

Petitioner's designee: (if applicable)

The petitioner designates NA as the representative of this petition.

Mailing Address _____

Email (optional) _____ Phone (optional) _____

Petitioner information:

Name Emily DiStefano

Mailing Address PO Box 80377, Baton Rouge LA 70898

Email (optional) ~~emilystefano@disstefano.com~~ Phone (optional) 225.324.5648

emily@distefanoassociates.com

Petitioner's signature Emily DiStefano Date 12.26.19

Designee's signature (if applicable) NA Date _____

The petition must be submitted via certified mail and addressed to:

Board of Elementary and Secondary Education
Attn: Shan Davis, Executive Director
P.O. Box 94064, Capitol Station
Baton Rouge, LA 70804-9064

Title 28, Part XXXV, Bulletin 1903 (revised 12.28.2019)

Chapter 3

Section 301

1d – review and revise to align with current findings in neuroscience, federal law and regulations

Section 303

A - review and revise to align with current findings in neuroscience, federal law and regulations

B - review and revise to align with current findings in neuroscience, federal law and regulations

Chapter 5

Section 505

A3- review and revise to align with current findings in neuroscience, federal law and regulations

505B - review and revise to align with current findings in neuroscience, federal law and regulations

Chapter 7 – Assessment

Section 701 – Assessment procedures

C - Data Gathering and Review

D – Instructional Interventions & Strategies

E – Procedural Safeguards for Assessment

F – Required components of the Assessment

G – Determination of Program Eligibility

For C through G above - review and revise to align with current findings in neuroscience, current federal law and regulations, the standards and best practices of the International Dyslexia Association and the Association of Academic Language Therapists

Chapter 11 Glossary

Section 1101 – Terminology of the Bulletin - review and revise to align with current definitions found in federal law and regulations including but not limited to the definition of reading and reading instruction.

Remove term Balanced Reading Approach

Add term and definition for Structured Literacy

Chapter 13 – Regulations for the Implementation of RS 17:392.1 and 392.3

Section 1301 – Part VI-A Screening and Intervention for School Success

A3 - Shall be screened (add using a nationally normed, validated screening instrument specific to the grade level and in accordance with criteria for screening instruments.....;) at least once, for the existence of impediments to a successful school experience.

A8 – add.... Dyslexia Therapist, Certified Academic Language Therapist,

Section 1303

A.C.1.b.i-viii – Kindergarten Screening Instruments – review and revise to include nationally normed and valid screening instruments, review and revise based on current neuroscience and the recommendations of the National Academies.

Section 1303

D. Characteristic associated with Dyslexia and related disorders

E. Characteristics of attentional deficit disorders

The source for D and E above is the 1994 DSM. Review and revise based on the current DSM.

Section 1305 Instruments for Identification & Screening – Appendix A

Review and revise to align with current findings in neuroscience, International Dyslexia Association (IDA) Knowledge and Practice Standards for Teachers of Reading <https://dyslexiaida.org/knowledge-and-practices/>

Revise by including criteria for screening tools

Amend - Admin Qualifications - review and revise to align with current findings in neuroscience, update to include additional professionals such as Dyslexia Therapist, Certified Academic Language Therapist and others are uniquely qualified to administer and interpret screening and testing instruments.

1307 Multi sensory Structured Language Programs for Students with Dyslexia or “at risk” readers
Appendix B

Amend - review and revise to align with current findings in neuroscience, federal law and regulations and the current DSM

Amend – establish criteria for newer programs to be considered for the list, remove those programs that do not meet the criteria

Section 1309 Characteristics Associated with Dyslexia and Related Disorders – Appendix C

Amend to align with current findings in neuroscience, federal law and regulations, include the federal definition of reading and reading instruction in ESSA and IDEA, and DSM

Summary of Public Comments and Agency Response

Requested Revisions to Bulletin 1903, Regulations and Guidelines for Education of Dyslexic Students

Background

Per Louisiana Revised Statute 49:953 and Board of Elementary and Secondary Education (BESE) policy, any interested person may petition the BESE Executive Director in writing to adopt a new rule or amend or repeal an existing rule contained within the *Louisiana Administrative Code*, Title 28. The petition shall include the petitioner's name and address, the petitioner's interest in the proposed action, the basis for the request, 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, any other information that justifies the proposed action, and the signature of the petitioner requesting the rule change.

Written Comments Received

On January 2, 2020, the BESE executive director received written comments from Ms. Emily DiStefano, representing the Louisiana Partnership for Children & Families. Ms. DiStefano's comments requested BESE to amend policy found Bulletin 1903, *Regulations and Guidelines for Education of Dyslexic Students*. Included in the comments from Ms. DiStefano is a request for an addendum to policy related to the regular education program for students demonstrating characteristics of dyslexia.

Agency Response

All Louisiana students, including students displaying characteristics of dyslexia or those who have been evaluated and determined to have dyslexia, should be proficient in reading by the end of third grade. Louisiana experts and educators, including the Louisiana Early Literacy Commission, are working to ensure teachers are supported in teaching the foundations of reading. This petition, as submitted, seeks to address elements of this challenge in isolation. Any revisions to Bulletin 1903 should be related to a cohesive effort to ensure that all students are able to read by third grade.

The LDE appreciates that there are differing opinions concerning these issues; however, for the reasons stated above, the LDE recommends retaining the language in Bulletin 1903, *Regulations and Guidelines for Education of Dyslexic Students*, as currently promulgated. Further, the LDE recommends BESE to receive the Summary of Public Comments and Agency Response (SPCAR) regarding Bulletin 1903, *Regulations and Guidelines for Education of Dyslexic Students*; and authorize BESE staff to submit the summary report to the Legislative Oversight Committees.



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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February 7, 2020

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Member-at-Large

Ms. Emily DiStefano

P.O. Box 80377

Baton Rouge, LA 70898

Dear Ms. Distefano:

The Louisiana State Board of Elementary and Secondary Education met in regular session on January 29, 2020, and took the following action:

1. On motion of Ms. Orange Jones, seconded by Mr. Davis, the Board received the Petition for Rulemaking regarding Bulletin 1903, *Regulations and Guidelines for Education of Dyslexic Students*, and the corresponding agency response.
2. On motion of Mr. Garvey, seconded by Ms. Voitier, the Board referred the Petition for Rulemaking regarding Bulletin 1903, *Regulations and Guidelines for Education of Dyslexic Students*, to the LDE in order to determine the next steps, as it relates to the study and overall recommendations of the Early Literacy Commission, and the possible review of Bulletin 1903.

Further, the Board requested the LDE provide an update report regarding the recommendations of the Early Literacy Commission, as it pertains to the aforementioned Petition for Rulemaking at the March 2020 BESE meeting.

Please contact this office should you need additional assistance with this matter.

Sincerely,

Shan N. Davis
Executive Director

Shan N. Davis
Executive Director

SND:slr

Attachments