



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

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Member-at-Large

February 1, 2022

MEMORANDUM

TO: Senator Patrick Page Cortez, Senate President
Representative Clay Schexnayder, Speaker of the House
Senator Cleo Fields, Chair, Senate Committee on Education
Representative Lance Harris, Chair, House Committee on Education

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

RE: 2021 Yearly Action Report

Pursuant to R.S. 49:968(K), the Board of Elementary and Secondary Education is submitting the attached 2021 Yearly Action Report regarding adoption, amendment, or repeal of any rule or the adoption, increase, or decrease of any fee during the calendar year 2021 (January 1, 2021, through December 31, 2021). Also attached are the summaries regarding petitions for rulemaking reviewed by the Board during the calendar year 2021 (January 1, 2021, through December 31, 2021).

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

2021 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 Comments Received	Request for Public Hearing received	Summary Report (2nd Report) - no hearing or comments	Summary Report (2nd Report) - with hearing or comments	Rule
131 - October Section 2101	10/14/20	12/10/20	12/20/20	no	no	1/11/21	1/11/21	Mar-2021
Bulletin 118 - December many sections	12/16/20	2/10/20	2/20/21	no	no	3/12/21	NA	May-2021
DECLARATION OF EMERGENCY 741 - December section 401 // 741 (Nonpublic) - December section 1105 // 126 - 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	no	no	2/10/21	NA	Apr-2021
135 - December sections 501, 503, and 507	12/16/20	1/10/20	1/20/21	no	no	2/10/21	NA	Apr-2021
139 - December section 707	12/16/20	1/10/20	1/20/21	no	no	2/10/21	NA	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	no	no	2/10/21	NA	Apr-2021
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	2/10/20	2/20/21	yes	no	NA	4/21/21	Jun-2021
746 - December section 203	12/16/20	1/10/20	1/20/21	no	no	2/10/21	NA	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
Declaration of Emergency 139 - January sections 509 and 515	1/19/21	NA	OSR posted Emergency Rule 1/21/21; Eff. 2/1/21 until 5/31/21	NA	NA	NA	NA	NA
139 - January sections 509 and 515	1/19/21	2/10/21	2/20/21	no	no	3/12/21	NA	May-2021
126 - January sections 103, 311, 503, 511, 513, and 515	1/19/21	2/10/21	2/20/21	no	no	3/12/21	NA	May-2021
746 - March section 203	3/10/21	4/9/21	4/20/21	no	no	5/11/21	NA	Jul-2021
118 - March section 6821 /// 741 March sections 2318 and 2319	3/10/21	4/9/21	4/20/21	no	no	5/11/21	NA	Jul-2021

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Declaration of Emergency 118 - March section 6821 /// 741 - March sections 2318 and 2319	3/10/21	NA	OSR posted Emergency Rule 3/11/21; Eff. 3/10/21 until 7/8/21	NA	NA	NA	NA	NA
Declaration of Emergency 741 - March sections 401 and 403/// 741NP - March sections 1105 and 1107 /// 126 - March 4101 and 4103	4/21/21	NA	OSR posted Emergency Rule 3/24/21; Eff. 3/23/21 until 7/21/21	NA	NA	NA	NA	NA
DECLARATION OF EMERGENCY EXT. 741 - December section 401 // 741 (Nonpublic) - December section 1105 // 126 - December section 4101	12/16/20	NA	OSR posted Emergency Rule 3/30/21; Eff. 3/30/21	NA	NA	NA	NA	NA
137 - April many sections	4/21/21	6/10/21	6/20/21	no	no	7/12/21	NA	Sep-2021
139 - April sections 103, 309, 311, and 313	4/21/21	6/10/21	6/20/21	no	no	7/12/21	NA	Sep-2021
DECLARATION OF EMERGENCY 140 - April sections 509, 511 and 512	4/21/21	NA	OSR posted Emergency Rule 4/26/21; Eff. 4/21/21 until 8/19/21	NA	NA	NA	NA	NA
140 - April sections 509, 511 and 512	4/21/21	6/10/21	6/20/21	no	no	7/12/21	NA	Sep-2021
741 - April sections 401 and 403///	4/21/21	6/10/21	6/20/21	no	no	7/12/21	NA	Sep-2021
741NP - April sections 1105 and 1107 ///	4/21/21	6/10/21	6/20/21	no	no	7/12/21	NA	Sep-2021
126 - April 4101 and 4103	4/21/21	7/10/21	7/20/21	no	no	8/10/21	NA	Oct-2021
746 - April sections 203, 350, and 675	4/21/21	7/10/21	7/20/21	no	no	8/10/21	NA	Oct-2021
DECLARATION OF EMERGENCY 741 - May sections 401 and 403 /// 741(NP) - May sections 1105 and 1107 /// 126 - May sections 4101 and 4103	5/12/21	NA	OSR posted Emergency Rule 5/14/21; Eff. 5/12/21 until 9/9/21	NA	NA	NA	NA	NA
741 - May sections 401 and 403 ///	5/12/21	6/10/21	6/20/21	no	no	7/12/21	NA	Sep-2021
741(NP) - May sections 1105 and 1107 ///	5/12/21	6/10/21	6/20/21	no	no	7/12/21	NA	Sep-2021
126 - May sections 4101 and 4103	6/16/21	7/10/21	7/20/21	no	no	8/10/21	NA	Oct-2021
741 - June section 2103 /// 741NP - June section 1903	6/16/21	7/10/21	7/20/21	no	no	8/10/21	NA	Oct-2021
126 - June section 2511	6/16/21	7/10/21	7/20/21	no	no	8/10/21	NA	Oct-2021
1566 - June section 305	6/16/21	7/10/21	7/20/21	yes	no	NA	8/18/21	Oct-2021
DECLARATION OF EMERGENCY 746 - June sections 203, 350, and 675	6/28/21	NA	OSR posted Emergency Rule 6/29/21; Eff. 6/28/21 until 12/25/21	NA	NA	NA	NA	NA
137 - August section 1723 and 1815	8/18/21	10/8/21	10/20/21	no	no	11/10/21	NA	Jan-2022

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DECLARATION OF EMERGENCY 137 - August section 1723	8/18/21	NA	OSR posted Emergency Rule 8/20/21; Eff. 8/18/21 until 2/14/22	NA	NA	NA	NA	NA
139 - August sections 103, 310, 509, 515, and 519	8/18/21	10/8/21	10/20/21	no	no	11/10/21	NA	Jan-2022
118 - August section 6913	8/18/21	1/10/22	1/20/22			2/10/22		Apr-2022
DECLARATION OF EMERGENCY 118 - August section 6913	8/18/21	NA	OSR posted Emergency Rule 8/20/21; Eff. 8/18/21 until 2/14/22	NA	NA	NA	NA	NA
111 - August section 801	8/18/21	12/9/21	12/20/21	no	no	1/10/22	1/11/22	Mar-2022
DECLARATION OF EMERGENCY 111 - August section 801	8/18/21	NA	OSR posted Emergency Rule 8/20/21; Eff. 8/18/21 until 2/14/22	NA	NA	NA	NA	NA
118 - August section 5701 and 6803//741	8/18/21	10/8/21	10/20/21	no	no	11/10/21	NA	Jan-2022
- August sections 2318 and 2319//741NP	8/18/21	10/8/21	10/20/21	no	no	11/10/21	NA	Jan-2022
- August section 2111	8/18/21	10/8/21	10/20/21	no	no	11/10/21	NA	Jan-2022
130 - August sections 323 and 905	8/18/21	10/8/21	10/20/21	no	no	11/10/21	NA	Jan-2022
133 - August sections 101, 303, and 1305	8/18/21	10/8/21	10/20/21	yes	no	11/10/21	12/16/21	Jan-2022
741 - August sections 502, 901, 911, 1103, 1111, 2305, 2317, 2318, 2320, 2363, 2397, and 3703.	8/18/21	10/8/21	10/20/21	no	no	11/10/21	NA	Jan-2022
741NP - August sections 2109 and 2331	8/18/21	10/8/21	10/20/21	no	no	11/10/21	NA	Jan-2022
1566 - August section 501	8/18/21	10/8/21	10/20/21	no	no	11/10/21	NA	Jan-2022
1706 - August sections 101, 401, 450, 460, 461, 462, 463, 464, 466, 905, 1101, and 1904	8/18/21	10/8/21	10/20/21	no	no	11/10/21	NA	Jan-2022
LAC 28:1 - August sections 103, 301, 307, 309, 311, 501, 503, 1101, and 1105	8/18/21	11/10/21	12/20/21	no	no	1/10/22	1/11/22	Mar-2022
746 - August many chapters (repeal and reestablishment)	8/18/21	11/10/21	12/20/21	no	no	1/10/22	1/11/22	Mar-2022
DECLARATION OF EMERGENCY 746 - August many sections	8/18/21	NA	OSR posted Emergency Rule 8/20/21; Eff. 8/18/21 until 2/14/22	NA	NA	NA	NA	NA
111 - October section 305	10/13/21	1/10/22	1/20/22			2/10/22		Apr-2022
130 - October sections 105, 301, and 323	10/13/21	12/9/21	12/20/21	no	no	1/10/22	1/11/22	Mar-2022

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996 - December sections 101, 501, 503, 505, 507, 509, 511, 513, 749, and 1301	12/15/21	1/10/22	1/20/22			2/10/22		Apr-2022
741 - December sections 1119, 1151, 1153, 1301, 1302, 1305, 1307, 1309, 1311, and 3501	12/15/21	1/10/22	1/20/22			2/10/22		Apr-2022
126 - December sections 2715, 2717, 2719, 2803, 4301, 4303, 4305, 4307, 4309, 4311, 4313, 4315, 4317, 4319, 4321, 4323	12/15/21	1/10/22	1/20/22			2/10/22		Apr-2022
139 - December sections 103, 701, 703, 705, 707, 709, 901, 902, 903, 1101, 1103, 1105, 1107, 1109	12/15/21	1/10/22	1/20/22			2/10/22		Apr-2022
140 - December sections 303, 313, 314, 511	12/15/21							
DECLARATION OF EMERGENCY 140 - December sections 503 and 509	12/15/21	NA	OSR posted Emergency Rule 12/16/21; Eff. 12/15/21 until 6/13/22	NA	NA	NA	NA	NA
140 - December sections 503 and 509	12/15/21	1/10/22	1/20/22			2/10/22		Apr-2022
130 - December section 301	12/15/21	1/10/22	1/20/22			2/10/22		Apr-2022
DECLARATION OF EMERGENCY 130 - December section 301	12/15/21	NA	OSR posted Emergency Rule 12/16/21; Eff. 12/15/21 until 6/13/22	NA	NA	NA	NA	NA

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	_____
Received by	_____
Signature	_____
Date formally presented to BESE	_____

I, Carissima Edwards, 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: 1508

Section number(s): 107 and 1513

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)

Under the current guidelines, Jefferson Parish and possibly other school districts interpret the above section for evaluation which prevents Licensed Professional Counselors from evaluating and/or providing services. ~~There~~ I move to amend 1508 in the above section to include Licensed Professional Counselors and Licensed Marriage and Family Therapist. Each discipline should be listed and included as qualified examiners.

Additional pages or a separate attachment are acceptable.

Petitioner's designee: (if applicable)

The petitioner designates _____ as the representative of this petition.

Mailing Address _____

Email (optional) _____ Phone (optional) _____

Petitioner information:

Name Carissima Edwards, LPC, LMFT

Mailing Address 1521 N. Cumberland St Metairie LA 70003

Email (optional) Cedwards321@gmail.com Phone (optional) 504-975-4345

Petitioner's signature Carissima Edwards, LPC, LMFT Date 5/14/21

Designee's signature (if applicable) _____ 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

RECEIVED

JUN 09 2021

Board of Elementary
and Secondary Education

Summary of Petition for Rulemaking and Agency Response

Proposed Revisions to Bulletin 1508, Pupil Appraisal Handbook

Background

R.S. 49:953(C) and LAC 28, Part I, Section 1309, permit any interested person to petition the State Board of Elementary and Secondary Education (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. 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.

Petition Received

On June 9, 2021 the BESE executive director received a Petition for Rulemaking from Ms. Carissima Edwards, who petitioned to amend Bulletin 1508, Sections 107 and 1513, relative to individuals who are eligible to participate in the comprehensive multidisciplinary evaluation of students suspected of having an exceptionality and to provide related services to eligible students with exceptionalities. Ms. Edwards contends that the current policy does not consider Licensed Professional Counselors (LPC) and Licensed Marriage and Family Therapists (LMFT) to be "qualified personnel" for purposes of providing the aforementioned services. Consequently, Ms. Edwards requests that the policy be revised to explicitly authorize LPCs and LMFTs as "qualified personnel," to allow those professionals to conduct comprehensive multidisciplinary evaluations and provide counseling as a related services.

Response

The Individuals with Disabilities Education Act (IDEA) and Louisiana Revised Statutes 17:1941 et seq., require that a student suspected of having a qualifying exceptionality receive a comprehensive multidisciplinary evaluation conducted by qualified examiners. Qualified examiners include pupil appraisal professionals certified by the state Department of Education and qualified professionals from other agencies or in private practice. Although LPCs and LMFTs are not explicitly referred to in the list of pupil appraisal professionals, Bulletin 1508, §107.A.2. grants LEAs broad authority to employ and engage any other qualified professionals as part of the multidisciplinary team to conduct comprehensive, individualized eligibility evaluations of students suspected of having a qualifying exceptionality, including LPCs and LMFTs.

Similarly, Bulletin 1508 also does not expressly prohibit LPCs and LMFTs from providing counseling as a related service. The definition of related services includes developmental, corrective, and other supportive services that are required to assist a student with an exceptionality to receive meaningful benefit from special educational services. One of the fundamental principles of the IDEA and our Exceptionality Laws is that Individualized Education Program (IEP) Teams must review all relevant student information, including evaluations and have the authority to identify and attempt to provide any related services that may deliver meaningful educational benefit to the child, which may include counseling services provided by LPCs and/or LMFTs.

BESE appreciates there are differing opinions on these issues, but will not pursue further revisions to Bulletin 1508, *Pupil Appraisal Handbook*, at this time.



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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September 16, 2021

Ms. Carissima Edwards
1521 N Cumberland St.
Metairie, LA 70003

Dear Ms. Edwards:

The Louisiana State Board of Elementary and Secondary Education met in regular session on August 18, 2021, and took the following action:

On motion of Ms. Voitier, seconded by Mr. Castille, the Board received the Petition for Rulemaking regarding Bulletin 1508: Pupil Appraisal Handbook, §107. Qualified Examiners; and §1513. School Social Work Services, submitted by Ms. Carissima Edwards.

On motion of Ms. Voitier, seconded by Ms. Ellis, the Board referred the matter to LDE administration in policy to review language concerning Bulletin 1508: Pupil Appraisal Handbook, §107. Qualified Examiners; and §1513. School Social Work Services.

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

Sincerely,

Shan N. Davis
Executive Director

Shan N. Davis
Executive Director

Cade Brumley
State Superintendent

SND:slr