



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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March 22, 2021

The Honorable John Bel Edwards
Governor
State of Louisiana
P.O. Box 94004
Baton Rouge, LA 70804-9004

RE: Declaration of Emergency (LAC 28: LXXIX, CXV, and CXXXIX)

Per the Louisiana Administrative Code, Title 28. Education, Part I. Board of Elementary and Secondary Education (BESE), §305.B, the President of the Board of Elementary and Secondary Education (BESE) is authorized to make ad hoc decisions for the Board in times of emergency, when the Board is not in regular or special session, subject to ratification by the Board at the next scheduled meeting.

Pursuant to that authority, I, Board President Sandy Holloway, have exercised the emergency provision in accordance with R.S. 49:953(B), the Administrative Procedure Act, and R.S. 17.6 to amend the following:

1. LAC 28:CXXXIX, Bulletin 126—*Charter Schools*;
2. LAC 28:CXV, Bulletin 741—*Louisiana Handbook for School Administrators*; and
3. LAC 28:LXXIX, Bulletin 741 (Nonpublic)—*Louisiana Handbook for Nonpublic School Administrators*.

On March 19, 2021, the Centers for Disease Control and Prevention (CDC) updated its K–12 school guidance to reflect the latest science on physical distance between students in classrooms. CDC now recommends that, with universal masking, students should maintain a distance of at least three (3) feet in classroom settings. The aforementioned revisions align current policy with the updated CDC guidance.

This Declaration of Emergency, effective March 22, 2021, is for a period of 120 days from adoption, or until finally adopted as Rule.

Sincerely,

Sandy Holloway
BESE President

SH:SD:rg

Shan N. Davis
Executive Director

Cade Brumley
State Superintendent

c: Jeff Landry, Attorney General
Clay Schexnayder, Speaker of the House
Patrick Cortez, Senate President
Jeff Truax, Director, Office of the State Register
Dr. Cade Brumley, State Superintendent of Education
Shan Davis, BESE Executive Director

Enclosure (1)

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools
(Part CXXXIX.4101).

Bulletin 741—Louisiana Handbook for School Administrators
(Part CXV.401).

Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators
(Part LXXIX.1105).

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXIX in Bulletin 126—*Charter Schools*; LAC 28:CXV in Bulletin 741—*Louisiana Handbook for School Administrators*; and LAC 28:LXXIX in Bulletin 741 (Nonpublic)—*Louisiana Handbook for Nonpublic School Administrators*. On March 19, 2021, the Centers for Disease Control and Prevention (CDC) updated its kindergarten through twelfth grade school guidance related to physical distance between students in classrooms. CDC now recommends that students should maintain a distance of at least three feet in classroom settings. The aforementioned revisions align policy with the recently updated CDC guidance. This Declaration of Emergency, effective March 22, 2021, is for a period of 120 days from adoption, or until finally adopted as Rule.

Title 28

EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 41. Reopening School Facilities for the 2020-2021 School Year

§4101. Purpose and Background

A. – F. ...

G. For the purposes of this Chapter, the following definition will apply.

Physical Distance—the act of physical distancing shall be in accordance with current Louisiana Department of Health Guidelines as informed by the Centers for Disease Control and Prevention (CDC).

§4103. Minimum Requirements for Reopening and Operating School Facilities

A. – A.2.a. ...

b. The group composition may change if students are able to maintain physical distance from other students and adults. In this case, students must maintain physical distance, in accordance with current Louisiana Department of Health Guidelines as informed by the Centers for Disease Control and Prevention (CDC), from other students and adults in any classroom or indoor setting to the maximum extent possible.

B. – I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 4. Reopening School Facilities for the 2020-2021 School Year

§401. Purpose and Background

A. – F. ...

G. For the purposes of this Chapter, the following definition will apply.

Physical Distance—the act of physical distancing shall be in accordance with current Louisiana Department of Health Guidelines as informed by the Centers for Disease Control and Prevention (CDC).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:

§403. Minimum Requirements for Reopening and Operating School Facilities

A. – A.2.a. ...

b. The group composition may change if students are able to maintain physical distance from other students and adults. In this case, students must maintain physical distance, in accordance with current Louisiana Department of Health Guidelines as informed by the Centers for Disease Control and Prevention (CDC), from other students and adults in any classroom or indoor setting to the maximum extent possible.

B. – I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7, R.S. 17:439.1 and R.S. 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46

**Title 28
EDUCATION**

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

Chapter 11. Health

Subchapter B. Reopening School Facilities for the 2020-2021 School Year

§1105. Purpose and Background

A. – F. ...

G. For the purposes of this Chapter, the following definition will apply.

Physical Distance—the act of physical distancing shall be in accordance with current Louisiana Department of Health Guidelines as informed by the Centers for Disease Control and Prevention (CDC).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:

§1107. Minimum Requirements for Reopening and Operating School Facilities

A. – A.2.a. ...

b. The group composition may change if students are able to maintain physical distance from other students and adults. In this case, students must maintain physical distance, in accordance with current Louisiana Department of Health Guidelines as informed by the Centers for Disease Control and Prevention (CDC), from other students and adults in any classroom or indoor setting to the maximum extent possible.

B. – I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7, R.S. 17:439.1 and R.S. 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:

COMPARISON DOCUMENT

Title 28

EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 41. Reopening School Facilities for the 2020-2021 School Year

§4101. Purpose and Background

A. – F. ...

G. For the purposes of this Chapter, the following definition will apply.

Physical Distance—~~the act of an individual maintaining a space of six feet or more from another individual.~~ the act of physical distancing shall be in accordance with current Louisiana Department of Health Guidelines as informed by the Centers for Disease Control and Prevention (CDC).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:

§4103. Minimum Requirements for Reopening and Operating School Facilities

A. – A.2.a. ...

b. The group composition may change if students are able to maintain physical distance from other students and adults. In this case, students must maintain physical distance ~~of six feet, in accordance with current Louisiana Department of Health Guidelines as informed by the Centers for Disease Control and Prevention (CDC),~~ from other students and adults in any classroom or indoor setting to the maximum extent possible.

B. – I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 4. Reopening School Facilities for the 2020-2021 School Year

§401. Purpose and Background

A. – F. ...

G. For the purposes of this Chapter, the following definition will apply.

Physical Distance—~~the act of an individual maintaining a space of six feet or more from another individual.~~ the act of physical distancing shall be in accordance with current Louisiana Department of Health Guidelines as informed by the Centers for Disease Control and Prevention (CDC).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:

§403. Minimum Requirements for Reopening and Operating School Facilities

A. – A.2.a. ...

b. The group composition may change if students are able to maintain physical distance from other students and adults. In this case, students must maintain physical distance ~~of six feet, in accordance with current Louisiana Department of Health Guidelines as informed by the Centers for Disease Control and Prevention (CDC),~~ from other students and adults in any classroom or indoor setting to the maximum extent possible.

B. – I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7, R.S. 17:439.1 and R.S. 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46

Title 28
EDUCATION

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

Chapter 11. Health

Subchapter B. Reopening School Facilities for the 2020-2021 School Year

§1105. Purpose and Background

A. – F. ...

G. For the purposes of this Chapter, the following definition will apply.

Physical Distance—~~the act of an individual maintaining a space of six feet or more from another individual.~~
the act of physical distancing shall be in accordance with current Louisiana Department of Health Guidelines as informed by the Centers for Disease Control and Prevention (CDC).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:

§1107. Minimum Requirements for Reopening and Operating School Facilities

A. – A.2.a. ...

b. The group composition may change if students are able to maintain physical distance from other students and adults. In this case, students must maintain physical distance ~~of six feet,~~ in accordance with current Louisiana Department of Health Guidelines as informed by the Centers for Disease Control and Prevention (CDC), from other students and adults in any classroom or indoor setting to the maximum extent possible.

B. – I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7, R.S. 17:439.1 and R.S. 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:



Sandy Holloway
President