NOTICE OF INTENT

BOARD OF ELEMENTARY AND SECONDARY EDUCATION

Attendance

(LAC 28: CXV.1103, 1105, and 1111 and LAC 28: CXXXIX.4001)

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 proposes to amend LAC 28:CXV in Bulletin 741 –Louisiana Handbook for School Administrators, and LAC 28: CXXXIX in Bulletin 126 – Charter Schools. The proposed amendments provide clarity, opportunities for academic recovery, and the reporting of attendance data needed to address truancy rates. A summary of the changes includes: reducing and redefining the types of absences to excused, unexcused, and suspension/expulsion; providing opportunities for academic recovery for each type of absence; and requiring the submission of daily student attendance and truancy reporting. Finally, the aforementioned revisions align kindergarten deferred enrollment and compliance with compulsory attendance in accordance with R.S. 17:151.3.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators Chapter 11. Student Services §1103. Compulsory Attendance

A. – I.

J. Exceptions to the attendance regulation shall be the enumerated extenuating circumstances below that are verified by the supervisor of child welfare and attendance or the school principal/designee where indicated. These excused absences do not apply in determining whether a student meets the minimum minutes of instruction required to receive credit:

1. – 7. ...

- 8. absences verified and approved by the school principal or designee as stated below:
 - a. prior school system-approved travel for education;
 - b. death in the immediate family (not to exceed one week);
 - c. natural catastrophe and/or disaster;
 - d. student personal illness or serious illness in family; or
 - e. pregnant and parenting students at a minimum of 10 days after the birth of a child.

K.-N.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:112, R.S. 17:221.3-4, R.S. 17:226.1, and R.S. 17:233.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1273 (June 2005), amended LR 32:546 (April 2006), LR 32:1030 (June 2006), LR 33:2351 (November 2007), LR 35:641 (April 2009), LR 35:1097 (June 2009), LR 35:1475 (August 2009), LR 36:482 (March 2010), LR 36:1224 (June 2010), LR 37:1126 (April 2011), LR 37:2132 (July 2011), LR 38:1000 (April 2012), LR 38:1225 (May 2012), LR 38:1399 (June, 2012), LR 39:2205 (August 2013), LR 41:372 (February 2015), LR 41:2594 (December 2015), LR 42:1877 (November 2016), amended LR 48:32 (January 2022), LR 49:33 (January 2023), LR 50:

§1105. Absences and Attendance

- A. The days absent for elementary and secondary school students shall include excused absences, unexcused absences, and suspensions/expulsion.
- B. *Excused Absences*—absences which are not considered for purposes of truancy, including absences incurred due to extenuating circumstances in accordance with §1103. of this Chapter.
- C. Unexcused Absence—any absence not meeting the requirements set forth in the excused absence definition, including but not limited to absences due to any job (including agriculture and domestic services, even in their own homes or for their own parents or tutors) unless it is part of an approved instructional program.
- D. Suspension/Expulsion—absence in which a student is not in attendance in the regular instructional setting due to disciplinary actions imposed by the school. The absence is not considered for purposes of truancy unless the student was assigned to an alternative site and is not in attendance at the assigned alternative site.
- E. A student who is absent, including a suspended student, shall be allowed to submit missed assignments and tests and shall be eligible to receive the same academic credit and grades originally available when work is completed satisfactorily and in a timely manner.
- F. Daily attendance shall be taken in accordance with R.S. 17:232. Beginning with the 2024-2025 school year, student attendance shall be submitted daily to the LDOE, including the number of students in attendance, the number of students absent, and the truancy status of each student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:226, R.S. 17:235.2, and R.S. 17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1274 (June 2005), amended LR 36:482 (March 2010), LR 37:1127 (April 2011), LR 39:2206 (August 2013), LR 50:

§1111. Age Requirements

A. - C.5.c. ...

- 6. A parent or legal guardian may opt to defer enrollment of a child into kindergarten for one year under the following conditions:
 - a. The child is four years of age on the first day of the school year; or
 - b. The child is enrolled in a prekindergarten program.
- 7. A parent or legal guardian who opts to defer enrollment into kindergarten for one year shall be considered in compliance with the compulsory school attendance law.

D. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151.3 and R.S. 17:222.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1275 (June 2005), amended LR 39:2206 (August 2013), amended LR 48:32 (January 2022), LR 50:

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 40. Charter School Autonomy

§4001. Applicability of State and Local Rules and Regulations

A. - A.15

- 16. school and district accountability system;
- 17. attendance reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:232, and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), LR:50:

COMPARISON DOCUMENT

TITLE 28 EDUCATION

Part CXV. Bulletin 741-Louisiana Handbook for School Administrators

Chapter 11. Student Services

§1103. Compulsory Attendance

A. – I.

- J. Exceptions to the attendance regulation shall be the enumerated extenuating circumstances below that are verified by the supervisor of child welfare and attendance or the school principal/designee where indicated. These exempted excused absences do not apply in determining whether a student meets the minimum minutes of instruction required to receive credit:
 - 1. *7*. ...
 - 8. absences verified and approved by the school principal or designee as stated below:
 - a. prior school system-approved travel for education;
 - b. death in the immediate family (not to exceed one week); or
 - c. natural catastrophe and/or disaster-;
 - d. student personal illness or serious illness in family; or
 - e. pregnant and parenting students at a minimum of 10 days after the birth of a child.

K. – N.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:112, R.S. 17:221.3-4, R.S. 17:226.1, and R.S. 17:233.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1273 (June 2005), amended LR 32:546 (April 2006), LR 32:1030 (June 2006), LR 33:2351 (November 2007), LR 35:641 (April 2009), LR 35:1097 (June 2009), LR 35:1475 (August 2009), LR 36:482 (March 2010), LR 36:1224 (June 2010), LR 37:1126 (April 2011), LR 37:2132 (July 2011), LR 38:1000 (April 2012), LR 38:1225 (May 2012), LR 38:1399 (June, 2012), LR 39:2205 (August 2013), LR 41:372 (February 2015), LR 41:2594 (December 2015), LR 42:1877 (November 2016), amended LR 48:32 (January 2022), LR 49:33 (January 2023), LR 50:

§1105. Types of Absences and Attendance

- A. The days absent for elementary and secondary school students shall include non-exempted, excused; exempted, excused absences, unexcused absences, and suspensions <u>/ expulsion</u>.
- B. Excused Absences absences which are not considered for purposes of truancy, including absences incurred due to extenuating circumstances in accordance with \$1103. of this Chapter. Non exempted, excused absences are absences incurred due to personal illness or serious illness in the family (documented by acceptable excuses, including a parental note) which are not considered for purposes of truancy, but which are considered when determining whether or not a student is eligible to make up work and tests, receive credit for work completed, and receive credit for a course and/or school year completed.
- C. <u>Unexcused Absence—any absence not meeting the requirements set forth in the excused absence definition, including but not limited to absences due to any job (including agriculture and domestic services, even in their own homes or for their own parents or tutors) unless it is part of an approved instructional program. Exempted, Excused Absences—absences which are not considered for purposes of truancy and which are not considered when determining</u>

whether or not a student is eligible to make up work and tests, receive credit for work completed, and receive credit for a course and/or school year completed.

- D. <u>Suspension/Expulsion—absence</u> in which a student is not in attendance in the regular instructional setting due to disciplinary actions imposed by the school. The absence is not considered for purposes of truancy unless the student was assigned to an alternative site and is not in attendance at the assigned alternative site. <u>Unexcused Absence—any absence not meeting the requirements set forth in the excused absence and extenuating circumstances definitions, including but not limited to absences due to any job (including agriculture and domestic services, even in their own homes or for their own parents or tutors) unless it is part of an approved instructional program. Students shall be given failing grades in those days missed and shall not be given an opportunity to make up work.</u>
- E. A student who is absent, including a suspended student, shall be allowed to submit missed assignments and tests and shall be eligible to receive the same academic credit and grades originally available when work is completed satisfactorily and in a timely manner. Suspension—a non-exempted absence in which a student is allowed to make up his work and is eligible for consideration for credit provided it is completed satisfactorily and in a timely manner. The absence is considered when determining whether or not a student may or may not be promoted, but is not considered for purposes of truancy. Students absent from school as a result of any suspension shall be counted as absent.
- F. Daily attendance shall be taken in accordance with R.S. 17:232. Beginning with the 2024-2025 school year, student attendance shall be submitted daily to the LDOE, including the number of students in attendance, the number of students absent, and the truancy status of each student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:226, R.S. 17:235.2, and R.S. 17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1274 (June 2005), amended LR 36:482 (March 2010), LR 37:1127 (April 2011), LR 39:2206 (August 2013), LR 50:

§1111. Age Requirements

A. - C.5.c. ...

- 6. A parent or legal guardian may opt to defer enrollment of a child into kindergarten for one year under the following conditions:
 - a. The child is four years of age on the first day of the school year; or
 - b. The child is enrolled in a prekindergarten program.
- 7. A parent or legal guardian who opts to defer enrollment into kindergarten for one year shall be considered in compliance with the compulsory school attendance law.

D. – D.1. . .

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151.3 and R.S. 17:222.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1275 (June 2005), amended LR 39:2206 (August 2013), amended LR 48:32 (January 2022), LR 50:

Part CXXXIX. Bulletin 126-Charter Schools

Chapter 40. Charter School Autonomy

§4001. Applicability of State and Local Rules and Regulations

A. – A.15.

16. school and district accountability system;

17. attendance reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:232, and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), LR:50:

BOARD OF ELEMENTARY AND SECONDARY EDUCATION FAMILY IMPACT STATEMENT (LA R.S. 49:953 and 972)

Person Preparing Statement:

Person Preparing Statement:

Ashley Townsend 225-342-3446

Phone:

Division: Rule Title: Governmental, Administrative, and Public Affairs

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators (LAC 28:CXV.1103,

1105, and 1111) and Part CXXXIX. Bulletin 126—Charter Schools (LAC: CXXXIX.4001)

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.

PLEASE RESPOND (YES, NO, OR LACKS SUFFICIENT INFORMATION TO DETERMINE) TO THE FOLLOWING:

- 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?
- Will the proposed Rule affect family earnings and family budget? 4.

Ashley Townsend

- Will the proposed Rule affect the behavior and personal responsibility of children? 5. No
- Is the family or local government able to perform the function as contained in the proposed Rule? Yes 6.

Signature of Contact Person: _ Date Submitted:

POVERTY IMPACT STATEMENT (LA R.S. 49:973)

Phone: _	225-342-3446		
Division:	Governmental, Administrative, and Public Affairs		
Rule Title	e: Part CXV. Bulletin 741—Louisiana Handbook for School Administrator	s (LAC 28:CXV.1103	, 1105, and 1111) and
Part CXX	XIX Bulletin 126—Charter Schools (I.AC: CXXXIX 4001)		-

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 one hundred percent of the federal poverty line.

PLEASE RESPOND (YES, NO, OR LACKS SUFFICIENT INFORMATION TO DETERMINE) TO THE FOLLOWING:

- Will the proposed Rule affect the household income, assets, and financial authority? No 1.
- 2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No
- Will the proposed Rule affect employment and workforce development? 3.

Will the proposed Rule affect taxes and tax credits? No

Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No

> Signature of Contact Person: <u>Shly Journsen</u>d Date Submitted: _

Small Business Statement

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, May 10, 2024, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, 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.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

Person

Preparing

Statement: <u>Ashley Townsend</u>

Dept.:

LA Department of Education

Board of Elementary &

Secondary Education

Phone:

225-342-3446

Office:

Governmental, Admin., and Public Affairs

Return

Address:

P.O. Box 94064 Baton Rouge, LA Rule Title:

Par

Part CXV. Bulletin 741—

Louisiana Handbook for School Administrators (LAC 28:CXV.1103, 1105, and 1111) and Part CXXXIX. Bulletin 126—Charter Schools (LAC: CXXXIX.4001)

Date Rule

Takes Effect: Upon final adoption by BESE

SUMMARY

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND <u>WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE</u>.

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed changes provide clarity, opportunities for academic recovery, and for the reporting of attendance data to the Louisiana Department of Education (LDOE) daily. A summary of the changes includes: reducing and redefining the types of absences to *excused*, *unexcused*, and *suspension/expulsion*; providing opportunities for academic recovery for each type of absence; and requiring the submission of daily student attendance and truancy reporting. Finally, the changes align kindergarten deferred enrollment and compliance with compulsory attendance in accordance with R.S. 17:151.3. Attendance data is currently reported quarterly, with truancy data confirmed annually; the proposed reporting requirements will follow the same process in current use. LDOE is working to identify schools that may be in need of technical assistance in transitioning to the new reporting timeline.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Signature of Agency Head or Designee

2024

Legislative Fiscal Officer or Designee

Deputy Fiscal Officere

Beth Scioneaux, Deputy Superintendent for Management and Finance

Typed Name & Title of Agency Head or Designee

Date of Signature

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule changes to LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators* and LAC 28:CXXXIX in *Bulletin 126—Charter Schools*, provide clarity, opportunities for academic recovery, and the daily reporting of attendance data to the LDOE. A summary of the aforementioned changes includes: reducing and redefining the types of absences to *excused*, *unexcused*, and *suspension/expulsion*; providing opportunities for academic recovery for each type of absence; and requiring the submission of daily student attendance and truancy reporting. Finally, the aforementioned revisions align kindergarten deferred enrollment and compliance with compulsory attendance in accordance with R.S. 17:151.3

B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The current system of attendance reporting does not provide timely and accurate data necessary for the LDOE to address the issue of truancy, which was reported at 42.51% in 2023. Data will be used to identify attendance and truancy trends across the state and develop solutions and recommendations. Further, the revisions align policy with R.S. 17:151.3, which permits parents to defer mandatory enrollment of a child into kindergarten if the child is four years old on the first day of school or if the child is enrolled in a pre-kindergarten program.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session
 - (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No, LDOE will provide technical assistance to any schools who require it during the transition to the new reporting system.

associated expenditure increase?		
(a)	Yes. If yes, attach documentation.	
(p)	NO. If no, provide justification as to why this rule change should be published at this time	

(2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the

FISCAL AND ECONOMIC IMPACT STATEMENT WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

The proposed rule change will have no effect on costs or savings to state agencies.

COSTS	FY 24	FY 25	FY 26
Personal Services	0	0	0
Operating Expenses	0	0	0
Professional Services	0	0	0
Other Charges	0	0	0
Equipment	0	0	0
Major Repairs & Constr.	0	0	0
TOTAL	0	0	0
POSITIONS (#)		0 0	0

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

Not applicable.

3. Sources of funding for implementing the proposed rule or rule change.

Not applicable.

SOURCE	FY 24	FY 25	FY 26	
State General Fund	0	0	0	
Agency Self-Generated	0	0	0	
Dedicated	0	0	0	
Federal Funds	0	0	0	
Other (Specify)	0	0	0	
TOTAL	0	0	0	

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Not applicable.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

 Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There is no anticipated impact to local governmental units as a result of the proposed rule change.

Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

Not applicable.

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

There is no anticipated effect on the revenue collections of state and local governmental units as a result of the proposed rule change.

REVENUE INCREASE/DECREASE	FY 24	FY 25	FY 26	
State General Fund	0	0	0	
Agency Self-Generated	0	0	0	
Dedicated Funds*	0	0	0	
Federal Funds	0	0	0	
Local Funds	0	0	0	
TOTAL	0	0	0	

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

Not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT WORKSHEET

III. <u>COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS</u>

A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed rule change will not result in costs or economic benefits to directly affected persons, small businesses, or nongovernmental groups.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

Not applicable.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There is no anticipated impact on competition and employment as a result of the proposed rule change.