

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Person Preparing Statement:	<u>Ashley Townsend</u>	Department:	<u>Louisiana Department of Education, Board of Elementary and Secondary Education</u>
Phone:	<u>225.342.3446</u>	Office:	<u>Governmental, Administrative, and Public Affairs</u>
Return Address:	<u>P.O. Box 94064 Baton Rouge, LA 70804</u>	Rule Title:	<u>Part LXXIX. Bulletin 741 (Nonpublic)— Louisiana Handbook for Nonpublic School Administrators (LAC 28:LXXIX.121, 1311, 3001, 3003, 3005, 3007, 3009, 3011, 3013, and 3017)</u>
		Date Rule Takes Effect:	<u>Upon final adoption by BESE</u>

SUMMARY
(Use complete sentences)

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 WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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 rule change aligns policy for nonpublic schools with legislation regarding: training requirements for mandatory reporters; bullying prevention reporting requirements; and nonpublic school early childhood programs regarding the health and safety of the children enrolled.

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)

Nonpublic schools are currently required to meet the standards included in the proposed rule change, but, to the extent they are not in compliance, additional costs for teacher training may be incurred. Additional impacts to nonpublic schools may include revision of local policy and practice but this is not anticipated to constitute a fiscal impact. The proposed rule is a result of Act 686 of the 2024 RS, which repeals certain instruction and teacher training requirements from statute and requires them to be adopted as policies by the Board of Elementary and Secondary Education through the rule making process.

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.

Beth Scioneaux

Signature of Head or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance

Typed Name & Title of Agency Head or Designee

4.9.2025

Date of Signature

Patricia Thomas, Deputy Fiscal Officer

Legislative Fiscal Officer or Designee

4/09/2025

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 change amends LAC 28:LXXIX in *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*, to align policy with legislation regarding: training requirements for mandatory reporters (CHC 603.1); bullying prevention reporting requirements (R.S. 17:416.14); and nonpublic school early childhood programs (R.S. 17:24.8).

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

The proposed rule change aligns policy with statutes that provide protections and accountability for compliance. The revisions also address the health and safety of students enrolled in nonpublic school pre-kindergarten programs.

- 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.

The proposed rule change will not result in an increase in the expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ YES. If yes, attach documentation.

(b) _____ NO. If no, provide justification as to why this rule change should be published at this time

**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 25	FY 26	FY 27
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 REPAIR & 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 25	FY 26	FY 27
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.

1. 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 are no anticipated impacts to local governmental units as a result of the proposed rule change.

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

Not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

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 25	FY 26	FY 27
STATE GENERAL FUND	\$0	\$0	\$0
AGENCY SELF-GENERATED	\$0	\$0	\$0
DEDICATED	\$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.

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

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.

Nonpublic schools are currently required to meet the standards included in the proposed rule change, but, to the extent they are not in compliance, additional costs for teacher training may be incurred. Additional impacts to nonpublic schools may include revision of local policy and practice but this is not anticipated to constitute a fiscal impact. The proposed rule is a result of Act 686 of the 2024 RS, which repeals certain instruction and teacher training requirements from statute and requires them to be adopted as policies by the Board of Elementary and Secondary Education through the rule making process.

The revisions benefit families, students, and schools by codifying preventative programs and mandates that protect children from child abuse and neglect as well as bullying. Further revisions address the health and safety of pre-kindergarten students in nonpublic school programs.

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.

NOTICE OF INTENT

Board of Elementary and Secondary Education

Mandatory Reporters, Bullying Prevention, and Nonpublic Pre-Kindergarten Programs
(LAC 28: LXXIX.121,1311,3001,3003, 3005, 3007, 3009, 3011, 3013, and 3017)

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 (BESE) proposes to amend LAC 28:LXXIX in *Bulletin 741(Nonpublic) – Louisiana Handbook for Nonpublic School Administrators*. The revisions align policy with legislation regarding: training requirements for mandatory reporters; bullying prevention reporting and requirements; and nonpublic school early childhood programs regarding the health and safety of the children enrolled.

Title 28

EDUCATION

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

Chapter 1. Operation and Administration

§121. Emergency Planning and Procedures

A. – C.6. ...

D. Each employee shall annually complete a mandatory reporter training course regarding the statutory requirements and responsibility of reporting child abuse and neglect.

1. A record of completion of the course shall be provided to the employee and retained by the school.
2. The school shall retain a list of all employees who have not completed the training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, R.S. 17:411, R.S. 17:416.16, R.S. 29:726.3, and CHC 603.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3074 (December 2005), LR 40:766 (April 2014), LR 51:51 (January 2025), LR 51:

Chapter 13. Preventive Programs

§1311. Bullying

A. Policy. Each nonpublic school shall develop, adopt, and implement a policy that prohibits the bullying of a student by another student and contains all required components in accordance with R.S. 17:416.14.

1. – 2.a. ...

- b. procedures for investigating reports of bullying;
- c. the disciplinary and criminal consequences of bullying another student;
- d. appropriate remedies for a student found to have been bullied;
- e. a prohibition against false reporting and retaliation; and

f. procedures for investigating and reporting of each school administrator, teacher, counselor, bus operator, and school employee for failure to act.

3. Each nonpublic school shall ensure that each student, each student's parent or legal guardian, and each school administrator, teacher, counselor, bus operator, school employee, and volunteer receives a copy of the bullying policy and is aware of all duties and responsibilities related to preventing and stopping bullying.

B. – B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.13 and R.S. 17:416.14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:246 (February 2023), repromulgated LR 49:852 (May 2023), LR 50:973 (July 2024), LR 51:51 (January 2025), LR 51:

Chapter 30. Health and Safety Rules and Regulations for Approved Non-Public School Three-Year-Old Programs

§3001. General Requirements

A. The school administrator is charged with the responsibility of monitoring and ensuring the three-year-old prekindergarten classrooms adhere to BESE policy contained in this Chapter.

B. – F. ...

G. Any visitor to the school shall sign in/out. Records including the name, signature, and time shall be maintained to accurately reflect persons on the school premises at any given time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1226 (May 2012), LR 51:

§3003. Policies and Procedures Related to Children

A. – B.2.d.i. ...

- e. address children without an IEP or Student Services Plan who continually cause physical harm to himself/herself or others or continually impede the learning of himself/herself and others because of other challenging behavior; and
- f. establish steps for addressing behaviors identified as dangerous and/or out of control behaviors.

3. The behavior management policy shall prohibit physical or corporal punishment, verbal abuse, or being deprived of food or beverage.

4. Time out shall take place within sight of staff. The length of each time out shall be based on the age of the child and shall not exceed one minute per year of age.

C. – C.1. ...

2. Any person making a report in good faith regarding child abuse shall have immunity from civil liability that may be otherwise incurred.

3. An employer shall not discriminate or retaliate against an employee who is a mandatory reporter for complying with reporting requirements.

4. An employer shall not enact policies that prohibit or limit mandatory reporting to the Louisiana Department of Children and Family Services and/or state or local law enforcement.

D. Restrooms.

1. Children who are developmentally able may be permitted to use the restroom independently provided that a staff member is in proximity to and can see the children to ensure immediate intervention to safeguard a child from harm.

2. Individuals who are not staff members may not enter the restroom area while in use by any student, except if the individual is a parent assisting their own child.

E. Adverse events. The school shall have written policy regarding adverse events that occur while children are under the supervision of school staff.

1. Adverse events are defined as an occurrence that requires emergency personnel, law enforcement, or medical attention, including but not limited to:

- a. allegations or suspicion of child abuse or neglect;
- b. serious injury or illness;
- c. an accident involving transportation;
- d. incorrect medication administration;
- e. a physical altercation resulting in injury;
- f. spread of infectious disease.

2. The policy shall include regulations and procedures, including proper documentation, notification, and contact information for situations in which the health, safety, or well-being of a child or children are impacted.

3. Unless otherwise prohibited, parental notification shall be required for any adverse event by no later than the next business day.

4. Staff and volunteers shall receive instruction relevant to the policy on adverse events.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S.17:24.8, R.S. 17:222(C), R.S. 17:391.1-391.10, R.S. 14:403, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1226 (May 2012), LR 39:1457 (June 2013), LR 51:

§3005. Children's Records

A. – A.2. ...

3. signed agreements between the school and the parent for each child giving permission to release the child to a third party listed by the parent including any other school facilities or transportation services. The identity of the authorized person shall be verified prior to release of the child. A child shall never be released to anyone unless authorized in writing or via text, fax, or email by the parent; and

4. emergency contact information.

B. – D. ...

E. The school shall obtain written authorization from the parent for the child to participate in any extracurricular water activity. The statement shall list the child's name, type of water activity, location of water activity, parent's signature, and date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1227 (May 2012), LR 51:

§3007. Required Staff

A. – B. ...

C. All staff shall complete all training and criminal background check requirements prior to having sole responsibility for children in accordance with §3009 and §3011 of this Chapter.

D. Staff having sole authority and responsibility for children shall be at least 18 years of age.

1. Staff age 18 or older may be included in the child-to-staff ratio and may work without the direct supervision of another adult staff member.

2. Staff age 16 and 17 may be included in the child-to-staff ratio if the person works under the direct supervision of an adult staff member.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1227 (May 2012), LR 51:

§3009. Personnel Records

A. – A.2. ...

B. Documentation of required training in accordance with §3011 of this Chapter.

C. Personnel documentation shall be maintained for a minimum of two years from the date of termination of employment and shall be available for on-site inspection, whether as hard copies or in electronic form, upon request by the LDOE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1227 (May 2012), LR 51:

§3011. Required Staff Development and Training

A. Orientation Training

1. Prior to employment and prior to having sole responsibility for a group of children, each staff member, including substitutes and foster grandparents, shall receive orientation training to include, at a minimum, the following topics:

- a. ...
- b. emergency and evacuation preparedness plan, including natural disasters and man-caused events;
- c. – e. ...
- f. child abuse identification and reporting, including phone numbers for mandatory reporting and suspected child abuse;
- g. confidentiality of information regarding children and their families;
- h. identification of critical staff including but not limited to staff trained in CPR and first aid, and staff who can administer medicine;
- i. handling of emergencies due to food/allergic reactions including a list of children with allergies;
- j. child release policies and restrictions;
- k. child-to-staff ratio policies; and
- l. adverse event regulations, including documentation and notification.

B. – B.2.

3. Staff members who maintain current certification as a first responder are considered to have current certification in CPR and pediatric first aid.

C. – C.1.

2. Emergency procedures shall include a system to account for all children and for notifying parents and authorized emergency release contacts.

3. For additional information, contact the local Office of Emergency Preparedness (Civil Defense).

D. – D.1.

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1227 (May 2012), LR 51:

§3013. Required Child/Staff Ratios

A. – C.

D. At no time shall a child or group of children be left alone without an adult staff member present unless the child is supervised by the parent of the child or designated representative authorized in writing by the parent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1228 (May 2012), LR 51:

§3017. Health Service to the Child

A. – B.

1. Written authorization shall include the name of the child, drug name and strength, date(s) and time(s) to be administered, directions for use, and the dated signature of the parent.

2. Prescription and non-prescription medication shall be maintained in the original pharmacy container or packaging.

3. If a non-prescription medication label reads “consult a physician,” a written authorization from a licensed health care provider shall be provided prior to administration of medication.

4. Medication administration shall be documented and records maintained on file. Documentation shall include the names of the child and the person administering, date and time, medication, and signature. Documentation requirements shall include a parent administering medication to their own child while at school.

C. Training for auto-injectable epinephrine shall be completed every two years with training approved by the LDOE, and presented by a registered nurse, a licensed medical physician, an anaphylaxis training organization, or any other entity approved by the Louisiana Department of Health.

D. Documentation of current completion of such training shall be maintained and available for inspection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1228 (May 2012), LR 51:

COMPARISON DOCUMENT

Title 28

EDUCATION

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

Chapter 1. Operation and Administration

§121. Emergency Planning and Procedures

A. – C.6.

D. Each employee shall annually complete a mandatory reporter training course regarding the statutory requirements and responsibility of reporting child abuse and neglect.

1. A record of completion of the course shall be provided to the employee and retained by the school.

2. The school shall retain a list of all employees who have not completed the training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, R.S. 17:411, R.S. 17:416.16, R.S. 29:726.3, and CHC 603.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3074 (December 2005), LR 40:766 (April 2014), LR 51:51 (January 2025), LR 51:

Chapter 13. Preventive Programs

§1311. Bullying

A. Policy. Each nonpublic school shall develop, adopt, and implement ~~and adopt~~ a policy that prohibits the bullying of a student by another student and contains all required components in accordance with R.S. 17:416.14.

1. – 2.a. ...

b. procedures for investigating reports of bullying; and

c. the disciplinary and criminal consequences of bullying another student;

d. appropriate remedies for a student found to have been bullied;

e. a prohibition against false reporting and retaliation; and

f. procedures for investigating and reporting of each school administrator, teacher, counselor, bus operator, and school employee for failure to act.

3. Each nonpublic school shall ensure that each student, each student's parent or legal guardian, and each school administrator, teacher, counselor, bus operator, school employee, and volunteer receives a copy of the bullying policy and is aware of all duties and responsibilities related to preventing and stopping bullying.

B. – B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.13 and R.S. 17:416.14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:246 (February 2023), repromulgated LR 49:852 (May 2023), LR 50:973 (July 2024), LR 51:51 (January 2025), LR 51:

Chapter 30. Health and Safety Rules and Regulations for Approved Non-Public School Three-Year-Old Programs

§3001. General Requirements

A. The school administrator is charged with the responsibility of monitoring and ensuring the three-year-old prekindergarten classrooms adhere to BESE policy contained in this Chapter these guidelines.

B. – F. ...

G. Any visitor to the school shall sign in/out. Records including the name, signature, and time shall be maintained to accurately reflect persons on the school premises at any given time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1226 (May 2012), LR 51:

§3003. Policies and Procedures Related to Children

A. – B.2.d.i. ...

e. address children without an IEP or Student Services Plan who continually cause physical harm to himself/herself or others or continually impede the learning of himself/herself and others because of other challenging behavior; and

f. establish steps for addressing behaviors identified as dangerous and/or out of control behaviors.

3. The behavior management policy shall prohibit physical or corporal punishment, verbal abuse, or being deprived of food or beverage.

4. Time out shall take place within sight of staff. The length of each time out shall be based on the age of the child and shall not exceed one minute per year of age.

C. – C.1. ...

2. Any person making a report in good faith regarding child abuse shall have immunity from civil liability that may be otherwise incurred.

3. An employer shall not discriminate or retaliate against an employee who is a mandatory reporter for complying with reporting requirements.

4. An employer shall not enact policies that prohibit or limit mandatory reporting to the Louisiana Department of Children and Family Services and/or state or local law enforcement.

D. Restrooms

1. Children who are developmentally able may be permitted to use the restroom independently provided that a staff member is in proximity to and can see the children to ensure immediate intervention to safeguard a child from harm.

2. Individuals who are not staff members may not enter the restroom area while in use by any student, except if the individual is a parent assisting their own child.

E. Adverse events. The school shall have written policy regarding adverse events that occur while children are under the supervision of school staff.

1. Adverse events are defined as an occurrence that requires emergency personnel, law enforcement, or medical attention, including but not limited to:

a. allegations or suspicion of child abuse or neglect;

b. serious injury or illness;

c. an accident involving transportation;

d. incorrect medication administration;

e. a physical altercation resulting in injury;

f. spread of infectious disease.

2. The policy shall include regulations and procedures, including proper documentation, notification, and contact information for situations in which the health, safety, or well-being of a child or children are impacted.

3. Unless otherwise prohibited, parental notification shall be required for any adverse event by no later than the next business day.

4. Staff and volunteers shall receive instruction relevant to the policy on adverse events.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S.17:24.8, R.S. 17:222(C), R.S. 17:391.1-391.10, R.S. 14:403, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1226 (May 2012), LR 39:1457 (June 2013), LR 51:

§3005. Children's Records

A. – A.2. ...

3. signed agreements between the school and the parent for each child giving permission to release the child to a third party listed by the parent including any other school facilities or transportation services. The identity of the authorized person shall be verified prior to release of the child. A child shall never be released to anyone unless authorized in writing or via text, fax, or email by the parent; and-

4. emergency contact information.

B. – D. ...

E. The school shall obtain written authorization from the parent for the child to participate in any extracurricular water activity. The statement shall list the child's name, type of water activity, location of water activity, parent's signature, and date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1227 (May 2012), LR 51:

§3007. Required Staff

A. – B. ...

C. All staff shall complete all training and criminal background check requirements prior to having sole responsibility for children in accordance with §3009 and §3011 of this Chapter.

D. Staff having sole authority and responsibility for children shall be at least 18 years of age.

1. Staff age 18 or older may be included in the child-to-staff ratio and may work without the direct supervision of another adult staff member.

2. Staff age 16 and 17 may be included in the child-to-staff ratio if the person works under the direct supervision of an adult staff member.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1227 (May 2012), LR 51:

§3009. Personnel Records

A. – A.2. ...

B. Documentation of required training in accordance with §3011 of this Chapter.

C. Personnel documentation shall be maintained for a minimum of two years from the date of termination of employment and shall be available for on-site inspection, whether as hard copies or in electronic form, upon request by the LDOE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1227 (May 2012), LR 51:

§3011. Required Staff Development and Training

A Orientation Training

1. Prior to employment and prior to having sole responsibility for a group of children, each staff member, including substitutes and foster grandparents, shall receive orientation training to include, at a minimum, the following topics:

a. ...

b. emergency and evacuation preparedness plan, including natural disasters and man-caused events;

c. – e. ...

f. child abuse identification and reporting, including phone numbers for mandatory reporting and suspected child abuse; detecting and reporting child abuse and neglect; and

g. confidentiality of information regarding children and their families;-

h. identification of critical staff including but not limited to staff trained in CPR and first aid, and staff who can administer medicine;

i. handling of emergencies due to food/allergic reactions including a list of children with allergies;

j. child release policies and restrictions;

k. child-to-staff ratio policies; and

l. adverse event regulations, including documentation and notification.

B. – B.2. ...

3. Staff members who maintain current certification as a first responder are considered to have current certification in CPR and pediatric first aid.

C. – C.1. ...

2. Emergency procedures shall include a system to account for all children and for notifying parents and authorized emergency release contacts.

3. For additional information, contact the local Office of Emergency Preparedness (Civil Defense).

~~NOTE: For additional information contact the Office of Emergency Preparedness (Civil Defense) in your area.~~

D. – D.1. ...

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1227 (May 2012), LR 51:

§3013. Required Child/Staff Ratios

A. – C. ...

D. At no time shall a child or group of children be left alone without an adult staff member present unless the child is supervised by the parent of the child or designated representative authorized in writing by the parent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1228 (May 2012), LR 51:

§3017. Health Service to the Child

A. – B. ...

1. Written authorization shall include the name of the child, drug name and strength, date(s) and time(s) to be administered, directions for use, and the dated signature of the parent.

2. Prescription and non-prescription medication shall be maintained in the original pharmacy container or packaging.

3. If a non-prescription medication label reads "consult a physician," a written authorization from a licensed health care provider shall be provided prior to administration of medication.

4. Medication administration shall be documented and records maintained on file. Documentation shall include the names of the child and the person administering, date and time, medication, and signature. Documentation requirements shall include a parent administering medication to their own child while at school.

C. Training for auto-injectable epinephrine shall be completed every two years with training approved by the LDOE, and presented by a registered nurse, a licensed medical physician, an anaphylaxis training organization, or any other entity approved by the Louisiana Department of Health.

D. Documentation of current completion of such training shall be maintained and available for inspection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1228 (May 2012), LR 51:

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

Person Preparing

Statement: Ashley Townsend
Phone: 225.342.3446
Division: Governmental, Administrative, and Public Affairs
Part LXXIX. Bulletin 741 (Nonpublic)— Louisiana Handbook for Nonpublic School Administrators
Rule Title: (LAC 28:LXXIX.121,1311, 3001, 3003, 3005, 3007, 3009, 3011, 3013, and 3017)

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? 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 local government able to perform the function as contained in the proposed Rule? Yes

Signature of Contact Person: Ashley Townsend

Date Submitted: 3/20/2025

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

Person Preparing

Statement: Ashley Townsend
Phone: 225.342.3446
Division: Governmental, Administrative, and Public Affairs
Part LXXIX. Bulletin 741 (Nonpublic)— Louisiana Handbook for Nonpublic School Administrators (LAC
Rule Title: 28:LXXIX.121, 1311, 3001, 3003, 3005, 3007, 3009, 3011, 3013, and 3017)

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:

1. Will the proposed Rule affect the household income, assets, and financial authority? 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? Yes

Signature of Contact Person: Ashley Townsend

Date Submitted: 3/20/2025

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 12, 2025, to Tavares Walker, 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 Tavares Walker, 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.