

NOTICE OF INTENT

Board of Elementary and Secondary Education

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel
(LAC 28:CXXXI.715).

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:CXXXI in *Bulletin 746 – Louisiana Standards for State Certification of School Personnel*. The aforementioned revisions provide a mechanism by which a registered nurse who holds a current, valid license in good standing with the Louisiana State Board of Nursing is considered certified as a school nurse by BESE. The scope of practice for each type of nurse is governed by the nursing license held.

TITLE 28

EDUCATION

Bulletin 746 – Louisiana Standards for State Certification of School Personnel

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Chapter 7. Ancillary School Service Certificate

§715. School Nurse

A. Beginning August 1, 2023, a registered nurse who holds a current, valid license in good standing with the Louisiana State Board of Nursing is considered certified by BESE.

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; and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:447 (March 2022), repromulgated LR 48:1053 (April 2022), LR 49:

COMPARISON DOCUMENT

TITLE 28

EDUCATION

Bulletin 746 – Louisiana Standards for State Certification of School Personnel

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Chapter 7. Ancillary School Service Certificate

§715. School Nurse

A. ~~Type C school nurse—valid for three years.~~ A registered nurse who holds a current, valid license in good standing with the Louisiana State Board of Nursing is considered certified by BESE.

1. ~~Eligibility requirements:~~

- a. ~~current Louisiana licensure as a registered professional nurse; and~~
- b. ~~minimum of two years of experience as a registered nurse.~~

2. ~~Renewal Guidelines. May be renewed once for a three year period, upon presentation of a copy of current Louisiana licensure as a registered professional nurse and upon request of Louisiana employing authority.~~

~~B. Type B School Nurse—valid for five years.~~

1. ~~Eligibility requirements:~~

- a. ~~current Louisiana licensure as a registered professional nurse; and~~
- b. ~~three years of experience as a type C school nurse.~~

2. ~~Renewal Guidelines. May be renewed for a five year period, upon presentation of a copy of current Louisiana licensure as a registered professional nurse and upon request of Louisiana employing authority.~~

~~C. Type A school nurse—valid for five years.~~

1. ~~Eligibility requirements:~~

- a. ~~current Louisiana licensure as a registered professional nurse;~~
- b. ~~baccalaureate degree in nursing or a health related field from a college or university accredited in accordance with 34 CFR 602; and~~
- e. ~~five years of experience as a certified type B school nurse.~~

2. ~~Renewal Guidelines. May be renewed for a five year period, except for those with a current certificate that is valid for life of continuous service. Upon presentation of a copy of current Louisiana licensure as a registered professional nurse and upon request of Louisiana employing authority.~~

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; and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:447 (March 2022), repromulgated LR 48:1053 (April 2022), LR 49:

**STATE 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
Rule Title: Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.715)

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 TO THE FOLLOWING:

1. WILL THE PROPOSED RULE AFFECT THE STABILITY OF THE FAMILY?

- No
 Yes
 Lacks sufficient information to determine

2. WILL THE PROPOSED RULE AFFECT THE AUTHORITY AND RIGHTS OF PARENTS REGARDING THE EDUCATION AND SUPERVISION OF THEIR CHILDREN?

- No
 Yes
 Lacks sufficient information to determine.

3. WILL THE PROPOSED RULE AFFECT THE FUNCTIONING OF THE FAMILY?

- No
 Yes
 Lacks sufficient information to determine

4. WILL THE PROPOSED RULE AFFECT FAMILY EARNINGS AND FAMILY BUDGET?

- No
 Yes
 Lacks sufficient information to determine

5. WILL THE PROPOSED RULE AFFECT THE BEHAVIOR AND PERSONAL RESPONSIBILITY OF CHILDREN?

- No
 Yes
 Lacks sufficient information to determine

6. IS THE FAMILY OR A LOCAL GOVERNMENT ABLE TO PERFORM THE FUNCTION AS CONTAINED IN THE PROPOSED RULE?

- No
 Yes
 Lacks sufficient information to determine

Signature of Contact Person: _____

Date Submitted: 01/18/2023

**STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
POVERTY IMPACT STATEMENT
(LA R.S. 49:973)**

Person Preparing Statement: Ashley Townsend

Phone: 225-342-3446

Division: Governmental, Administrative, and Public Affairs

Rule Title: Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.715)

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 TO THE FOLLOWING:

1. WILL THE PROPOSED RULE AFFECT THE HOUSEHOLD INCOME, ASSETS, AND FINANCIAL SECURITY?

- No
- Yes
- Lacks sufficient information to determine

2. WILL THE PROPOSED RULE AFFECT EARLY CHILDHOOD DEVELOPMENT AND PRESCHOOL THROUGH POSTSECONDARY EDUCATION DEVELOPMENT?

- No
- Yes
- Lacks sufficient information to determine

3. WILL THE PROPOSED RULE AFFECT EMPLOYMENT AND WORKFORCE DEVELOPMENT?

- No
- Yes
- Lacks sufficient information to determine

4. WILL THE PROPOSED RULE AFFECT TAXES AND TAX CREDITS?

- No
- Yes
- Lacks sufficient information to determine

5. WILL THE PROPOSED RULE AFFECT CHILD AND DEPENDENT CARE, HOUSING, HEALTH CARE, NUTRITION, TRANSPORTATION, AND UTILITIES ASSISTANCE?

- No
- Yes
- Lacks sufficient information to determine

Signature of Contact Person: _____

Date Submitted: 1/18/2023

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, March 10, 2023, 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.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person

Preparing

Statement: Ashley Townsend

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

Rule

Title: Part CXXXI. *Bulletin 746 -
Louisiana Standards for State Certification
of School Personnel (LAC 28:CXXXI.715)*

Baton Rouge, LA

Date Rule Takes Effect: Upon final adoption by BESE

SUMMARY

In accordance with Section 953 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 revisions to LAC 28:CXXXI in *Bulletin 746 – Louisiana Standards for State Certification of School Personnel*. The proposed rule revisions remove the two-year employment history requirement currently in policy and provide a mechanism by which a registered nurse who holds a current, valid license in good standing with the Louisiana State Board of Nursing is considered certified as a school nurse by BESE. The scope of practice for each type of nurse is governed by the nursing license held.

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

There will be an indeterminable decrease in state revenue collections due to the proposed rule revisions. Currently, a registered nurse must apply for certification to the Louisiana Department of Education (LDOE) and pay a \$25 application fee. Under the proposed rule revisions, nurses will no longer need to provide a separate application and fee to be considered certified as a school nurse. The exact number of school nurse applications received is not available, as the school nurse certificate is grouped with a set of ancillary school services certificates that includes nineteen separate areas, such as occupational therapists, psychologists, social workers, and child nutrition program coordinators.

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

The proposed rule revisions will result in savings to nurses who must currently pay the \$25 fee to apply for initial certification and to renew certification every three or five years, depending on the level of certification held. School nurses will still complete licensure renewal requirements as dictated by the Louisiana State Board of Nursing.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule revisions will streamline the process by which a registered nurse becomes qualified as a school nurse. Human resources managers will be able to increase the candidate pools when filling school nurse positions due to removal of the two-year employment history and additional LDOE certification requirements currently in policy.

Signature of Agency Head or Designee

Legislative Fiscal Officer or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance
Typed Name and Title of Agency Head or Designee

Date of Signature

Date of Signature

LFO 10/04

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 revisions provide a mechanism by which a registered nurse who holds a current, valid license in good standing with the Louisiana State Board of Nursing is considered certified as a school nurse by BESE. The scope of practice for each type of nurse is governed by the nursing license held.

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

Stakeholders reported that some schools have school nurse vacancies and have been unable to fill those with BESE-certified school nurses. While registered nurses apply, they often do not meet the employment history requirement currently in policy. BESE directed LDOE to develop policy revisions that address this issue, which resulted in the final policy approved by BESE at the January 2023 meeting of the board.

- 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.

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 revisions will have no effect on costs or savings to state agencies.

COSTS	FY 23	FY 24	FY 25
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.

SOURCE	FY 23	FY 24	FY 25
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.

Local education agencies will no longer need to request renewal of school nurse certification. Such certification will run concurrently with licensure as a registered nurse by the Louisiana State Board of Nursing.

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

The proposed rule revisions will not impact sources of funding of local governmental units.

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 will be an indeterminable decrease in state revenue collections due to the proposed rule revisions. Currently, a registered nurse must apply for certification to the Louisiana Department of Education (LDOE) and pay a \$25 application fee. Under the proposed rule revisions, nurses will no longer need to provide a separate application and fee to be considered certified as a school nurse. The exact number of school nurse applications received is not available, as the school nurse certificate is grouped with a set of ancillary school services certificates that includes nineteen separate areas, such as occupational therapists, psychologists, social workers, and child nutrition program coordinators.

REVENUE INCREASE/DECREASE	FY 23	FY 24	FY 25
State General Fund	0	0	0
Agency Self-Generated	Decrease	Decrease	Decrease
Dedicated Funds*	0	0	0
Federal Funds	0	0	0
Local Funds	0	0	0
TOTAL	Decrease	Decrease	Decrease

*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.

Under current policy, LDOE collects \$25 for each initial and renewal license for which an application is received. The proposed rule revisions would eliminate the need for nurses to make an additional application to LDOE to be able to work as a school nurse. The current number and type of school nurse certifications is unknown due to the certificate type being grouped with other ancillary service personnel certificates.

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

A. What persons 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 revisions will streamline the process by which a registered nurse becomes qualified as a school nurse. Nurses will no longer be required to submit an application and a \$25 fee. Human resources managers will be able to increase the candidate pools when filling school nurse positions due to removal of the two-year employment history and additional LDOE certification requirements currently in policy.

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.

The proposed rule revisions will streamline the process by which a registered nurse becomes qualified as a school nurse. Human resources managers will be able to increase the candidate pools when filling school nurse positions due to removal of the two-year employment history and additional LDOE certification requirements currently in policy.