

Dyslexia Screening
(LAC 28: CXV.1123) and (LAC 28: XXXV.109)

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 11. Student Services
§1123. Educational Screening and Evaluation

Title 28
EDUCATION
Part XXXV. Bulletin 1903—Louisiana Handbook for Students with Dyslexia
Chapter 1. General Provisions
§109. Screening Requirements

TITLE 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 11. Student Services
§1123. Educational Screening and Evaluation

b. For students with a Section 504 Plan identified as having dyslexia, the number shall include the number initially identified during the preceding school year and the total number by grade level.

c. For students with an IEP identified as having a specific learning disability - dyslexia, the number shall include the number initially identified during the preceding school year and the total number by grade level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11) and R.S. 17:392.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1277 (June 2005), amended LR 39:2208 (August 2013), LR 50:

TITLE 28

EDUCATION

Part XXXV. Bulletin 1903—Louisiana Handbook for Students with Dyslexia

Chapter 1. General Provisions

§109. Screening Requirements

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G. A third grade student who does not score above the lowest achievement level on the literacy screener after three attempts and who is promoted to fourth grade for good cause in accordance with LAC 28:XXXIX.701. (Bulletin 1566) shall be screened for dyslexia.

H. The LDOE-selected dyslexia screener shall be administered by a classroom teacher to each student in the second half of kindergarten and to a student at any grade level upon request of a teacher, parent, or legal guardian, in accordance with LAC 28:XXV.1123. (Bulletin 741).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:724 (June 2021), repromulgated LR 47:1288 (September 2021), LR 50:

**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 CXV. Bulletin 741—Louisiana Handbook for School Administrators (LAC 28: CXV.1123) and Part XXXV. Bulletin 1903—Louisiana Handbook for Students with Dyslexia (LAC 28:XXXV.109)

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: 1/19/2024

**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 CXV. Bulletin 741—Louisiana Handbook for School Administrators (LAC 28: CXV.1123) and Part XXXV. Bulletin 1903—Louisiana Handbook for Students with Dyslexia (LAC 28:XXXV.109)

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? No
- 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? No

Signature of Contact Person: Ashley Townsend
Date Submitted: 1/19/2024

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 11, 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:

Ashley Townsend

Dept.:

LA Department of Education
Board of Elementary &
Secondary Education

Phone:

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Governmental, Admin., and Public Affairs

Return
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Baton Rouge, LA

Rule
Title:

Part CXV. Bulletin 741—
Louisiana Handbook for School Administrators
(LAC 28: CXV.1123) and Part XXXV. Bulletin
1903— Louisiana Handbook for Students with
Dyslexia (LAC 28: XXXV.109)

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

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

No costs are anticipated for local governmental units as a result of the proposed rule revision. School personnel will need to administer the dyslexia screener, which could result in an indeterminable increase in time spent by school-level evaluators. The screener is to be provided by the Louisiana Department of Education (LDOE) at no cost to school systems.

The fiscal note for Act 266 of the 2023 Regular Session, which enacted this requirement, estimated the total cost to implement a dyslexia screener to be \$120,000 in FY 24 and, at a minimum, \$355,000 beginning in FY 25. These estimates were based on information provided by LDOE regarding the costs of the screener (\$1.30 per student at the 10/01/22 kindergarten student count of 56,581), the costs of training courses for teachers administering the screener (\$85,900), and the costs of support materials for the chosen screener (\$75,905). Additional projected expenditures included those associated with the hiring of an additional Education Program Consultant 3 (EPC 3) to manage communications, implementation, training coordination, and reporting requirements associated with the dyslexia screening program (\$72,000 salary, \$32,404.50 related benefits, \$15,089 operating expenses) beginning in FY 24.

The department has lowered expenditure estimates as implementation of the dyslexia screening program has moved forward. LDOE has determined the hiring of an additional EPC 3 is no longer necessary. Additionally, after discussions with the screener provider, the total cost for training, inclusive of any necessary support materials, is significantly lower than estimated. For the first two-year period, training will be between \$14,500 and \$18,000, dependent on the specific training program selected. The training program can then be renewed for an additional two-year period at a cost of \$2 per teacher. Taking into account the most recent kindergarten student count (48,798 as of 10/01/23) along with these changes, the new estimated minimum cost to implement the dyslexia screener in FY 25 is \$77,900. Total costs may be higher depending on the number of non-kindergarten students for whom screening is requested and the number of non-kindergarten teachers who need training.

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


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

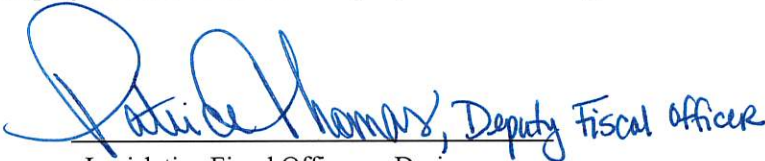
III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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


Signature of Agency Head or Designee


Legislative Fiscal Officer or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance
Typed Name & Title of Agency Head or Designee
2/8/24
Date of Signature

2/08/2024
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 implements policy that requires school systems to screen all kindergarten students, and students in other grades, upon request, for dyslexia. The data will be reported to LDOE to be compiled by the department in an annual report.

- 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 regarding dyslexia screening with Act 266 of the 2023 RS, which requires implementation of a dyslexia screening 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.

Yes.

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

(a) X Yes. If yes, attach documentation.

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

Act 447 of the 2023 RS, page 135 lines 27-31 appropriated \$120,000 SGF for implementation of a dyslexia screening program in the event that House Bill 69 of the 2023 RS (Act 266) became law. Act 266 places a contingency making the law effective only upon appropriation of funds by the legislature for the purpose of dyslexia screening. LDOE reports they have included \$100,000 in their Executive Budget request for this purpose.

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?

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

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.

The fiscal note for Act 266 of the 2023 Regular Session, which enacted this requirement, estimated the total cost to implement a dyslexia screener to be \$120,000 in FY 24 and, at a minimum, \$355,000 beginning in FY 25. These estimates were based on information provided by LDOE regarding the costs of the screener (\$1.30 per student at the 10/01/22 kindergarten student count of 56,581), the costs of training courses for teachers administering the screener (\$85,900), and the costs of support materials for the chosen screener (\$75,905). Additional projected expenditures included those associated with the hiring of an additional Education Program Consultant 3 (EPC 3) to manage communications, implementation, training coordination, and reporting requirements associated with the dyslexia screening program (\$72,000 salary, \$32,404.50 related benefits, \$15,089 operating expenses) beginning in FY 24.

The department has lowered expenditure estimates as implementation of the dyslexia screening program has moved forward. LDOE has determined the hiring of an additional EPC 3 is no longer necessary. Additionally, after discussions with the screener provider, the total cost for training, inclusive of any necessary support materials, is significantly lower than estimated. For the first two-year period (FY 24 and FY 25), training will be between \$14,500 and \$18,000, dependent on the specific training program selected. The training program can then be renewed for an additional two-year period at a cost of \$2 per teacher. Taking into account the most recent kindergarten student count (48,798 as of 10/01/23) along with these changes, the new estimated minimum cost to implement the dyslexia screener in FY 25 is \$77,900. Total costs may be higher depending on the number of non-kindergarten students for whom screening is requested and the number of non-kindergarten teachers who need training.

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

Act 266 of the 2023 RS places a contingency making the law effective only upon appropriation of funds by the legislature for the purpose of dyslexia screening Act 447 of the 2023 RS, page 135, lines 27-31 allocated \$120,000 SGF for implementation of this program in FY 24. LDOE reports they have included \$100,000 in their FY 25 Executive Budget request for this purpose.

In FY 24, LDOE added an 8(g) statewide program centered on dyslexia. One key part of the program’s budget is related to teacher training costs, which could be used in part to cover a portion of training costs related to this dyslexia screener. For future years, LDOE indicates they may design the 8(g) dyslexia budget request to include potential increased costs related to the screener in the event expenditures are higher than the \$100,000 in the budget because of a high number of non-kindergarten requests. LDOE is currently in discussions with a potential screener provider that would allow the department “ownership” of the training, which would eliminate that as a recurring cost.

SOURCE	FY 24	FY 25	FY 26
State General Fund	120,000	100,000	100,000
Agency Self-Generated	0	0	0
Dedicated	0	0	0
Federal Funds	0	0	0
Other (Specify)	0	0	0
TOTAL	\$120,000	\$100,000	\$100,000

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

Yes.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

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 governmental units may experience an increased workload due to administering the dyslexia screener; however, since Act 266 of the 2023 RS also removed an additional dyslexia screening requirement, the net workload increase is expected to be limited.

2. 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 impact on 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.

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.

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.