

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
RULE TITLE: Bulletin 140—Louisiana Early
Childhood Care and Education Network**

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

There are no anticipated implementation costs or savings to state or local governmental units as a result of the proposed rule change. The proposed rule change provides for the inclusion of family child care homes with current academic approval in the definition of early childhood care and education programs and sites. The proposed change also includes revisions to observation requirements, child-to-teacher ratios, and technical edits.

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

The proposed rule change will not have an effect on revenue collections of state or local governmental units.

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

The proposed rule change will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The proposed rule change will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2307#051

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Handbook for School
Bulletin 741—The Louisiana ~~School, District, and State~~
~~Accountability System~~ *Graduation Appeals Process*
Administrators
LAC 28: CXV. 717, 2321, and 2322

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—The Louisiana School, District, and State Accountability System*. The proposed revisions create an appeals process for graduation. This appeals process creates a rigorous evaluation method in which in a student's senior year, a student, who fails to achieve a "passing" score on the end-of-course exam in a testing pair may demonstrate proficiency

Handbook for School
Administrators

using a portfolio. All students will still be required to take all state assessments. The change will be to allow for an appeals process for purposes of graduation only.

Title 28

EDUCATION

**Part CXV. Bulletin 741—Louisiana Handbook for
School Administrators**

Chapter 7. Records and Reports

§717. Reports of High School Credit

A. - A.3. ...

B. Reporting and Review for State Diplomas Issued on Appeal

1. No later than October 1 annually, LEAs shall submit the following graduation data by school site via the student transcript system (STS). The LDOE will compile and submit a report to BESE annually in December, which will include the following:

- the total number of students issued a diploma;
- the number of students issued a diploma via an appeal of the assessment requirement granted via SBLC;
- the number of students considered by an SBLC for appeal of the assessment requirement;
- the number of students in the graduation cohort who did not earn a diploma by August 31 of that year; and
- an example of three exemplary portfolios that may be used by the department as examples for LEAs and school sites.

2. At the January 2026 BESE meeting the LDOE shall submit a report to BESE, detailing data for the initial two school years of implementation regarding appeals to the assessment requirements for the purposes of graduation eligibility. The report shall serve as a reference for BESE to use in determining if policy revisions are necessary. The LDE will report to BESE annually thereafter and will include the following:

- the percentage of college enrollment after high school exit of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort;
- to the extent that data is available, the percentage of employment after high school exit of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort; and
- the number of IBCs earned by type of all graduating students, students issued a diploma via the graduation appeals process, and non-graduates in each respective graduation cohort.

C. Auditing of Diplomas Issued on Appeal

1. In the event the number of students, issued a diploma via an appeal, exceeds three percent of the respective graduation cohort of a school site, the governing LEA shall submit additional data to LDOE to be included in the BESE annual report. At a minimum, the additional data shall include Subgroup population information as follows for each school site which exceeds the three-percent threshold:

- African American;
- American Indian/Alaskan Native;
- Asian;
- Hispanic;
- white;

- f. two or more races;
- g. economically disadvantaged;
- h. immigrants;
- i. English learners;
- j. students with disabilities;
- k. students with 504 plans;
- l. homeless students;
- m. military-affiliated students; and
- n. Foster care students.

2. After an initial audit regarding the three percent threshold, a school, serving a unique population and in compliance with appeals eligibility requirements, shall be exempt from consecutive audits

3. If the initial audit yields discrepancies in the implementation of the appeals process, the State Superintendent of Education, may be the final authorizer for the respective school site the following year.

D. Random Sampling for Appeals Audits

1. For the students described in Subsection C of this Section, the LDOE may audit a random sampling of the full appeals packets brought to SBLC team to include the following:

- a. an appeals cover page which attests completion of appeal requirements and signatures of the SBLC team in which the appeal was granted;
- b. evidence of intervention required by §2321.E of this Part;
- c. evidence of content proficiency through the state assessment requirement or portfolio submission;
- d. evidence of employability; and/or
- e. any additional documentation requested by the LDOE for the respective students.

E. Prior to the date of graduation or options program completion, the LDOE shall have the authority to determine the issuance of a diploma or an options program skill certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(11).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1270 (June 2005), amended LR 39:2204 (August 2013), LR 49:

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2321. Appeals Eligibility and Requirements

A. Beginning with the 2023-2024 school year, if a student has not met state-established benchmarks in both assessments within any of the prescribed categories in §2318.A of this Part, the SBLC team may determine if the student is able to appeal the assessment requirements for the purposes of graduation eligibility.

B. Students who appeal the assessment requirement for graduation eligibility, shall be afforded the same opportunities to pursue a standard diploma to exit high school with all course credits, honors, and financial awards as other students. A student is not guaranteed a diploma and shall meet either the standard requirements for graduation or, using the process outlined in Subsection D of this Section, appeal to the respective school building level committee (SBLC) team to be awarded a diploma.

- 1. - 3.d. Repealed

C. Pursuant to the Elementary and Secondary Education Act (ESEA), the state academic content standards shall apply to all public schools and public school students in the state and include the same knowledge and skills expected of all students and the same level of achievement expected of all students, with the exception of students with the most significant cognitive disabilities who may access alternate academic achievement standards and achievement levels. Only diplomas earned by students who have pursued the regular academic state standards and who have earned all state-required Carnegie credits shall be considered regular diplomas in the state and district accountability system, pursuant to federal laws and regulations.

D. Appeals Eligibility.

1. Students are eligible for an appeal to the assessment requirement no earlier than senior year and shall fulfill the following criteria:

- a. earn all Carnegie Units required for either the TOPS university diploma or career diploma, as prescribed in §2318 and §2319 of this Part; and
- b. fulfill at least one of the following conditions to demonstrate evidence of employability:
 - i. demonstrate workforce readiness by a score of Silver or higher on ACT WorkKeys;
 - ii. eligibility for the TOPS Tech Award; or
 - iii. demonstrate mastery of specific employability skills by earning a graduation-qualifying, industry-based credential (IBC), outlined in §2319 of this Part, regardless of the diploma pathway that the student is pursuing.
- c. fulfill at least one of the following conditions to demonstrate evidence of content proficiency:
 - i. fulfill the standard assessment requirement for the assessment pairs prescribed in §2318. A of this Part, or
 - ii. For the freshman cohort entering 2022-2023 and beyond, complete a portfolio of work that meets the content proficiency requirement, as measured by the LDOE standardized rubric, for both LEAP 2025 courses in the assessment pairs in which the standard assessment requirement was not fulfilled.
 - iii. For students entering the freshmen cohort prior to 2022-2023, the portfolio requirement may be satisfied by completing a portfolio aligned to one course in each corresponding LEAP 2025 assessment pair that was not fulfilled by the standard assessment requirement.

2. Pursuant to §707 of this Part, for a transfer student transferring into a Louisiana public school district from an out-of-state school, nonpublic school, or approved home study program, proficiency shall be demonstrated via successful completion of coursework and the issuance of Carnegie credit. A transfer student is not required to take the LEAP 2025 assessment in the courses that were transferred and accepted as Carnegie credit. For the purposes of appeals eligibility, a portfolio of work need not be completed for coursework fulfilled for transferred Carnegie credit.

E. Monitoring Progress and Responsibilities for Appeals Eligibility.

1. The SBLC shall monitor the progress of each student, who has not met a least one assessment requirement for graduation. The SBLC shall ensure that the student:

a. receives appropriate academic supports in any and all subjects for which the standard assessment requirement was not achieved. Additionally, each individual student graduation plan shall outline all academic supports provided. Progress, pursuant to such specified academic supports, shall be reviewed at least once throughout the school year in order to determine needed adjustments as well as effectiveness;

b. completes 30 hours of required remedial or co-requisite instruction for the LEAP 2025 exam in which the standard assessment requirement was not achieved, per *Bulletin 741*, §2318 and §2319;

c. is provided dropout prevention and mentoring services, based on proven strategies to retain and graduate at-risk students. The LDOE shall make available to LEAs, a list of strategies, as well as technical assistance needed to offer students such services; and

d. is scheduled for a meeting in order to determine eligibility for local career support with a representative from a Workforce Innovation Opportunities Act provider, Vocational Rehabilitation Services provider, or other local career support agency and its affiliated providers.

F. Appeals Consideration

1. The SBLC shall review and consider individual student appeals for any student, who meets the appeal requirements, as outlined in Subsection D of this Section. Additionally, the SBLC may consider the following in determining an appeal decision:

a. the course grade awarded for the course which the student did not attain the standard assessment requirement for graduation on the LEAP 2025;

b. the score achieved on each LEAP 2025 assessment for which the student did not attain the standard assessment requirement for graduation;

c. the score achieved on the ACT, ACT WorkKeys, and, if applicable, TOPS or TOPS Tech scholarship eligibility;

d. the rigor of secondary coursework, including, successful completion of honors courses, Advanced Placement courses, IAB, and/or dual enrollment courses;

e. completion of a sequence of courses for an IBC within the Career Diploma;

f. the strength of an attained IBC in alignment with definitions outlined in LAC 28:XI.709;

g. overall preparedness for postsecondary success, including letters or certificates of acceptance to post-secondary institutions; and

h. any other academic information designated for consideration by the LEA for appeal consideration by the SBLC.

G. For students meeting the requirements outlined in Subsection D of this Section, the SBLC may determine that the student is eligible to graduate, subject to final approval of the Local Education Agency (LEA) head. A student who appeals the assessment requirement for graduation may graduate and receive a high school diploma on the basis of the committee decision by majority and the LEA head. This subsection does not create a property interest in graduation.

The decision of the SBLC and LEA head is final and may not be appealed. Should an SBLC and LEA head not recommend a student for graduation eligibility by appeal, a student may only graduate through standard assessment requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.2, and R.S. 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:240 (February 2006), repromulgated LR 41:1483 (August 2015), LR 49:

§2322. Senior Projects

[Formerly §2321]

A. A senior project is a focused rigorous independent learning experience completed during the student's year of projected graduation from high school.

B. Each LEA allowing students to complete a senior project in partial fulfillment of the requirements for an academic endorsement shall develop local policy for senior projects that includes these requirements.

1. Each student must choose a challenging topic of interest approved by their parents or guardians and the school-level senior project committee.

2. Each student must have a senior project mentor.

3. Students must successfully complete the four components listed below with a score of satisfactory or higher on each component. The components will be evaluated locally using rubrics provided by the LDOE:

a. research paper of 8 to 10 pages on an approved topic of the student's choice;

b. product or service related to the research requiring at least 20 hours of work;

c. portfolio that documents and reflects the senior project process; and

d. presentation to a panel of three to five adults from the community and school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.2, and R.S. 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

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.

*see attached

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules 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 100 percent of the federal poverty line.

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? Yes.

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.

Small Business Analysis

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 the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit comments via the U.S. Mail until noon, August 9, 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

RULE TITLE: Bulletin 741—The Louisiana School, District, and State Accountability System
Graduation Appeals Process

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

The proposed rule change is anticipated to increase costs within the Louisiana Department of Education (LDE) related to the creation of a rubric for each subject area of the portfolio of work as well as to the review of audits.

The proposed change creates an appeals process for certain students who do not meet current graduation requirements. Louisiana is the one of eight states in the country which has high stakes testing for graduation, but it is the only state in the country which does not have an alternative method for appeals in order for students to demonstrate proficiency in the content being assessed. The proposed appeal process creates a rigorous evaluation method in which, during a student's senior year, a student who fails to achieve a "passing" score on the end-of-course exam in a testing pair may demonstrate proficiency using a portfolio. All students will still be required to take all state assessments. The change will allow for an appeals process for purposes of graduation only.

Per LA R.S. 17:24.4, standards-based assessments in English language arts, mathematics, science, and social studies based on state content standards and rigorous student achievement standards set with reference to test scores of students of the same grade level nationally shall be implemented by the State Board of Elementary and Secondary Education. Such tests shall be administered, at a minimum, in grades three through eleven. Further, the statute states, F(1)(j)(3)(a), that, "in lieu of the standards-based assessments prescribed in Subparagraphs (1)(c) and (d) of this Subsection, an alternate assessment shall be provided for and administered only to those students with disabilities who meet specific eligibility criteria developed by the state Department of Education (LDE) and approved by the State Board of Elementary and Secondary Education (BESE). A determination of whether any student meets the eligibility criteria established by the state Department of Education shall be made by the student's Individualized Education Program committee and shall be so noted on that student's Individualized Education Program." This rule change does not allow for an alternate assessment, waiver of policy, or an alternate pathway for graduation. It simply institutes an appeals process for students in order to satisfy the graduation requirement via the portfolio by demonstrating proficiency in that regard, as opposed to achieving a certain score on standardized tests. Achieving a specific score on course assessments is not currently outlined in policy, but rather, the test must be administered to all students, excluding special education students, and scores are averaged into a student's course grade. This process will not allow for a course grade to be altered in any way.

Additionally, the student must provide evidence of employability by earning a silver or better on the WorkKeys assessment, earning a TOPS Tech award, or earning an approved Louisiana Jump Start Industry Based Credential. Students who have not met the approved Carnegie unit requirements for the TOPS University or TOPS Tech Career Diplomas are not eligible for an appeal. Approval of the appeal is made by the School Building Level Committee (SBLC) and the local education agency (LEA) leader. School sites who exceed an appeal rate of 3percent of a graduating cohort are subject to an audit by LDE.

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Handbook
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Administrators

LDE reports the development of rubrics to assess mastery of standards in each subject through a portfolio of entries would require the work of Teacher Leader Advisors (TLAs), who complete tasks in areas of expertise through contracts for different types of deliverables. Based on LDE estimates, it could cost approximately \$76,600 for the project management and the TLA contracts to develop items for each standard. Internal review of the items would be absorbed by existing staff. LDE further reports the auditing of schools outside of the 3percent limit would require an additional Education Program Consultant 3 position. Beginning in FY 24, the cost for this position would be \$119,503.19 (\$104,414.50 salary and \$15,088.69 related benefits). Finally, LDE reports scoring of portfolios during the year subsequent to audit findings of a school with more than the allowable number of diplomas issued would require the work of contracted reviewers and is estimated at \$150 per review (in this case, per subject) based on similar work. This total cost would depend on the number of portfolios submitted during the year following the finding of discrepancies in appeals process implementation.

The already established School Building Level Committee (SBLC) and the Local Education Agency (LEA) head, will score portfolios with a standardized rubric, which will be subject to an annual audit. The SBLC is currently doing much of this work; therefore, the proposed rule change should not increase costs for the local school districts.

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

The proposed rule change will not have an effect on revenue collections of state or local governmental units.

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

The proposed rule change will benefit certain high school seniors by allowing students to graduate via an alternate portfolio approach. Some students may graduate on time despite not meeting the LEAP 2025 assessment requirements for graduation. In years prior to COVID, approximately 5percent to 7percent of public-school students did not meet graduation requirements due only to the fact that the required LEAP assessment scores were not achieved. This policy change will allow these students to demonstrate the fulfillment of the same course proficiency standards as currently proven via standardized assessments, through an appeal in which the portfolio will serve as a substitute in verifying course competency.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Data from the US Bureau of Labor Statistics reveals that 41.9percent of high school dropouts are engaged in work or looking for work compared to 69.2percent of high school graduates. Data on high school graduates in Texas who utilized the state's appeal process show they have employment rates that are statistically indistinguishable from national data on high school graduates. The assumption is that Louisiana can expect similar results for students who graduate using this new appeals process. The median weekly wage of a high school dropout is \$626 compared to \$809 for an individual with a high school diploma. Additionally, because the appeal has an employability component, we can expect a greater number of students graduating with an industry-based credential that is aligned with regional and statewide workforce needs.

Shan N. Davis
Executive Director
2307#053

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Certification Endorsements (LAC 28:CXXXI.1301)

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 revision provides a future effective date relative to certain teacher certification area endorsements. Educators completing course requirements for certification endorsements who are employed as teachers are completing the foundational literacy skills training through the LDOE-approved providers within the local school system. The future effective date aligns add-on endorsements with the effective date for initial certification literacy requirements.

TITLE 28

EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel Chapter 13. Endorsements to Existing Certificates

§1301. Introduction

A. - C.3. ...

D. The requirements in §1305.A.3; §1307.A.3; §1327.A.3, B.3, C.3, D.3, E.3; and §1329.A.4 of this Chapter, shall be effective beginning September 1, 2024.

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. 17:391.1-391.10, and R.S. 17:411

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), LR 48:454 (March 2022), repromulgated LR 48: 1062 (April 2022), amended LR 49:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

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

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Department of Agriculture and Forestry Office of Animal Health Services

Letter of Authorization Granting Hunting Season Variance

August 15, 2023

Pursuant to LAC 7: XXI.1719(A), farm-raised white-tailed deer may be harvested by killing from October 1 through January 31. LAC 7:XXI.1719(C) authorizes the Commissioner of Agriculture and Forestry to establish, by written order, variances of these dates as the commissioner deems necessary to carry out the purposes of R.S. 3:3101-3108.

In light of the foregoing, and in consideration of its application for a variance, Commissioner of Agriculture and Forestry, Mike Strain, DVM hereby authorizes:

Blackhawk Farms, LLC, License No. 1010/1011,
6978 Hwy 15, Vidalia, LA 71373,
through its owner, Joshua McCoy

to open its hunting grounds for the purpose of harvesting farm-raised white-tailed deer from September 1, 2023, until September 30, 2023.

This notice will be published in the next issue of the *Louisiana Register*, in accordance with LAC 7:XXI.1719(C).

Mike Strain, D.V.M.
Commissioner

2310#009

POTPOURRI

Department of Agriculture and Forestry Office of Animal Health Services

Letter of Authorization Granting Hunting Season Variance

September 6, 2023

Pursuant to LAC 7: XXI.1719(A), farm-raised white-tailed deer may be harvested by killing from October 1 through January 31. LAC 7:XXI.1719(C) authorizes the Commissioner of Agriculture and Forestry to establish, by written order, variances of these dates as the commissioner deems necessary to carry out the purposes of R.S. 3:3101-3108.

In light of the foregoing, and in consideration of its application for a variance, Commissioner of Agriculture and Forestry, Mike Strain, DVM hereby authorizes:

Old Mill Creek Hunting Club, LLC, License No. 2082
599 Timothy Church Rd, Springhill, LA 71075,
through its owner, Daniel Thomas

to open its hunting grounds for the purpose of harvesting farm-raised white-tailed deer from September 1, 2023, until September 30, 2023.

This notice will be published in the next issue of the *Louisiana Register*, in accordance with LAC 7:XXI.1719(C).

Mike Strain, D.V.M.
Commissioner

2310#009

POTPOURRI

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators (LAC 28: CXV.717, 2321, and 2322)

On June 14, 2023, the State Board of Elementary and Secondary Education (BESE) approved, as a Notice of Intent, revisions to *Bulletin 741, Louisiana Handbook for School Administrators*: §717. Reports of High School Credit, §2321. Appeals and Eligibility Requirements, and §2322. Senior Projects. This Notice of Intent was published on pages 1299-1303 of the July 20, 2023, issue of the *Louisiana Register*.

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted by BESE a revised fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators

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

The proposed rule change is anticipated to increase costs within the Louisiana Department of Education (LDE) related to the creation of a rubric for each subject area of the portfolio of work as well as to the review of audits.

The proposed change creates an appeals process for certain students who do not meet current graduation requirements. Louisiana is the one of eight states in the country which has high stakes testing for graduation, but it is the only state in the country which does not have an alternative method for appeals in order for students to demonstrate proficiency in the content being assessed. The proposed appeal process creates a rigorous evaluation method in which, during a student's senior year, a student who fails to achieve a "passing" score on the end-of-course exam in a testing pair may demonstrate proficiency using a portfolio. All students will still be required to take all state assessments. The change will allow for an appeals process for purposes of graduation only.

Per LA R.S. 17:24.4, standards-based assessments in English language arts, mathematics, science, and social studies based on state content standards and rigorous student achievement standards set with reference to test scores of

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students of the same grade level nationally shall be implemented by the State Board of Elementary and Secondary Education. Such tests shall be administered, at a minimum, in grades three through eleven. Further, the statute states, F(1)(j)(3)(a), that, "in lieu of the standards-based assessments prescribed in Subparagraphs (1)(c) and (d) of this Subsection, an alternate assessment shall be provided for and administered only to those students with disabilities who meet specific eligibility criteria developed by the state Department of Education (LDE) and approved by the State Board of Elementary and Secondary Education (BESE). A determination of whether any student meets the eligibility criteria established by the state Department of Education shall be made by the student's Individualized Education Program committee and shall be so noted on that student's Individualized Education Program." This rule change does not allow for an alternate assessment, waiver of policy, or an alternate pathway for graduation. It simply institutes an appeals process for students in order to satisfy the graduation requirement via the portfolio by demonstrating proficiency in that regard, as opposed to achieving a certain score on standardized tests. Achieving a specific score on course assessments is not currently outlined in policy, but rather, the test must be administered to all students, excluding special education students, and scores are averaged into a student's course grade. This process will not allow for a course grade to be altered in any way.

Additionally, the student must provide evidence of employability by earning a silver or better on the WorkKeys assessment, earning a TOPS Tech award, or earning an approved Louisiana Jump Start Industry Based Credential. Students who have not met the approved Carnegie unit requirements for the TOPS University or TOPS Tech Career Diplomas are not eligible for an appeal. Approval of the appeal is made by the School Building Level Committee (SBLC) and the local education agency (LEA) leader. School sites who exceed an appeal rate of 3% of a graduating cohort are subject to an audit by LDE.

LDE reports the development of rubrics to assess mastery of standards in each subject through a portfolio of entries would require the work of Teacher Leader Advisors (TLAs), who complete tasks in areas of expertise through contracts for different types of deliverables. Based on LDE estimates, it could cost approximately \$76,600 for the project management and the TLA contracts to develop items for each standard. Internal review of the items would be absorbed by existing staff. LDE further reports the auditing of schools outside of the 3% limit would require an additional Education Program Consultant 3 position. Beginning in FY 24, the cost for this position would be \$119,503.19 (\$104,414.50 salary and \$15,088.69 related benefits). Finally, LDE reports scoring of portfolios during the year subsequent to audit findings of a school with more than the allowable number of diplomas issued would require the work of contracted reviewers and is estimated at \$150 per review (in this case, per subject) based on similar work. This total cost would depend on the number of portfolios submitted during the year following the finding of discrepancies in appeals process implementation.

The already established School Building Level Committee (SBLC) and the Local Education Agency (LEA) head, will score portfolios with a standardized rubric, which will be subject to an annual audit. The SBLC is currently doing much of this work; therefore, the proposed rule change should not increase costs for the local school districts.

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

The proposed rule change will not have an effect on revenue collections of state or local governmental units.

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

The proposed rule change will benefit certain high school seniors by allowing students to graduate via an alternate portfolio approach. Some students may graduate on time despite not meeting the LEAP 2025 assessment requirements for graduation. In years prior to COVID, approximately 5% to 7% of public-school students did not meet graduation requirements. This policy change will allow these students to demonstrate the fulfillment of the same course proficiency standards as currently proven via standardized assessments, through an appeal in which the portfolio will serve as a substitute in verifying course competency.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Data from the US Bureau of Labor Statistics reveals that 41.9% of high school dropouts are engaged in work or looking for work compared to 69.2% of high school graduates. Data on high school graduates in Texas who utilized the state's appeal process show they have employment rates that are statistically indistinguishable from national data on high school graduates. The assumption is that Louisiana can expect similar results for students who graduate using this new appeals process. The median weekly wage of a high school dropout is \$626 compared to \$809 for an individual with a high school diploma. Additionally, because the appeal has an employability component, we can expect a greater number of students graduating with an industry-based credential that is aligned with regional and statewide workforce needs.

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POTPOURRI

Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

Public Hearing Rescheduled on AQ392 and WQ112

On September 28, 2023, a public hearing was held on proposed rules AQ392 and WQ112. Due to technical difficulties experienced during the hearing, the secretary has decided to hold a second public hearing on both proposed rules on October 26, 2023. (2310Pot1)

A public hearing will be held via Zoom on October 26, 2023, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS or Android at

[https://deqlouisiana.zoom.us/j/89059890189?pwd=T0pGeGFjV3lZM0JYOGVPaUVQs2x0UT09,](https://deqlouisiana.zoom.us/j/89059890189?pwd=T0pGeGFjV3lZM0JYOGVPaUVQs2x0UT09, password 545561)
password 545561 or
by telephone (636) 651-3182
using the conference code 725573.

Should individuals with a disability need an accommodation in order to participate, contact William Little at the address given below or at (225) 219-3985.