

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

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|------------------------------------|---|--------------------------------|---|
| 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 XI. <i>Bulletin 118— Statewide Assessment Standards and Practices</i></u> |
| | | Date Rule Takes Effect: | <u>(LAC 28:XI.5316)</u> |
| | | | <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. If a student is found to have a cell phone or other device with imaging capability during a statewide assessment, the score earned on such an assessment will be voided. Additionally, the rule change establishes an exception for students with a documented medical condition that requires use of a cell phone.

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


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

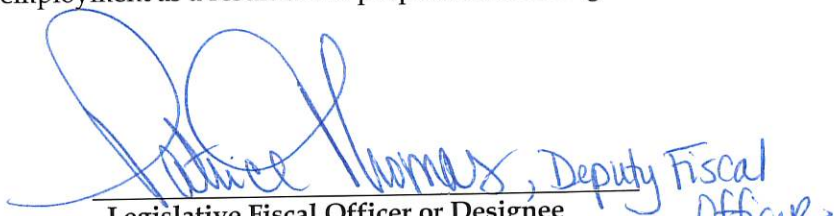
III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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


Signature of Head or Designee
 Beth Scioneaux, Deputy Superintendent for Management and Finance
Beth Scioneaux, Deputy Superintendent for Management and Finance
Typed Name & Title of Agency Head or Designee
5.2.2025
Date of Signature


Legislative Fiscal Officer or Designee
Michelle Thomas, Deputy Fiscal Officer
5/07/2025
Date of Signature

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, June 10, 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.

**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:XI in *Bulletin 118—Statewide Assessment Standards and Practices*, to require that the test of any student found to have a cell phone or other device with imaging or text-messaging capability, during a test session, be voided. Additionally, the revisions establish an exception for students with a documented medical condition that requires use of a cell phone.

- 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 ensures test validity and reliability as well as clarifies test security and administration.

- 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.

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.

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.

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices Cell Phone Use During Testing (LAC 28: XI.5316)

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:XI in *Bulletin 118 – Statewide Assessment Standards and Practices*. The proposed revisions require that the test of any student found to have a cell phone or other device with imaging or text-messaging capability, during a test session, be voided. Additionally, the revisions establish an exception for students with a documented medical condition that requires use of a cell phone.

Title 28

EDUCATION

Part XI. *Bulletin 118—Statewide Assessment Standards and Practices*

Chapter 53. Test Security

§5316. Cell Phones and Other Electronic Devices

A. If district and school policy allows for students and personnel to carry cell phones or other similar technological devices with imaging or text-messaging capability, test administrators must collect all devices prior to student access to secure test materials. If a student is in possession of and/or uses a cell phone or electronic device in any manner during the administration of a statewide test, the phone or electronic device will be confiscated until there is confirmation that all traces of information related to the test, whether in print, image, or verbal form, have been removed from all local and cloud storage and that no such traces remain on the device.

1. Test administrators may have devices, but they must be in the off position while around secure test materials, unless requesting technical assistance during online assessments.

2. The test of any student found to have a cell phone or other device with imaging or text messaging capability during a test session in violation of this policy will be voided.

3. ...

4. Students who have a documented medical condition requiring the need to have an electronic device on or near them during testing should keep the device in its normal location but the device must be carefully monitored. If the device is used for any non-medical purpose, the test of the student will be voided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24, *et seq.*

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 32:391 (March 2006), amended LR 40:2512 (December 2014), LR 43:635 (April 2017), LR 51:

COMPARISON DOCUMENT

TITLE 28

EDUCATION

Part XI. *Bulletin 118—Statewide Assessment Standards and Practices*

Chapter 53. Test Security

§5316. Cell Phones and Other Electronic Devices

A. If district and school policy allows for students and personnel to carry cell phones or other similar technological devices with imaging or text-messaging capability, test administrators must collect all devices prior to student access to secure test materials ~~are in the vicinity~~. If a student is in possession of and/or uses a cell phone or electronic device in any manner during the administration of a statewide test, the phone or electronic device will be confiscated until assurance can be evidenced there is confirmation ~~there is confirmation~~ that all traces of information related to the test, whether in print, image, or verbal form, have been removed from all local and cloud storage and that no such traces remain on the device.

1. Test administrators may have devices, but they must be in the off position while around secure test materials, except for devices required for approved accommodations, online assessments, or to provide unless requesting ~~except for devices required for approved accommodations, online assessments, or to provide unless requesting~~ technical assistance during online assessments.

2. The test of any student found to have a cell phone or other device with imaging or text messaging capability during a test session in violation of this policy will be voided. If evidence exists on the cell phone or other electronic device that indicates the device was used during the test administration and/or test material was recorded and/or transmitted, the student's score is voided.

3. ...

4. Students who have a documented medical condition requiring the need to have an electronic device on or near them during testing should keep the device in its normal location but the device must be carefully monitored. If the device is used for any non-medical purpose, the test of the student will be voided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 *et seq.*

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 32:391 (March 2006), amended LR 40:2512 (December 2014), LR 43:635 (April 2017), 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

Rule Title: Part XI. Bulletin 118—Statewide Assessment Standards and Practices(LAC 28:XI.5316)

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? Yes
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: 4/17/2025

**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 XI. Bulletin 118— Statewide Assessment Standards and Practices (LAC 28:XI.5316)

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: 4/17/2025