

NOTICE OF INTENT
BOARD OF ELEMENTARY AND SECONDARY EDUCATION

Dyslexia Screening and Assessment
(LAC 28:XXXV.110)

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:XXXV in *Bulletin 1903—Louisiana Handbook for Students with Dyslexia*. Act 517 of the 2024 Regular Legislative Session requires the promulgation of rules regarding kindergarten dyslexia screening and core assessment, parent notification, and reimbursement criteria.

Title 28

EDUCATION

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

Chapter 1. General Provisions

§110. Core Assessment Requirements

A. If the results of dyslexia screening pursuant to §109 of this Chapter indicate that a student is at risk for dyslexia, the parent or legal guardian shall be notified within thirty days of the results of the screening, and, if requested by the parent or legal guardian and subject to funding, a core assessment for the diagnosis of dyslexia shall be administered.

1. A parent or legal guardian may only make one request per academic year.
2. If the parent or legal guardian requests the LEA to conduct the core assessment, the LEA must complete the core assessment within 30 business days.

B. The parent may select either the LEA or a vendor or professional approved by the LDOE to administer the core assessment. The administrator of the core assessment, in order to determine whether the student has dyslexia, shall determine through history, observation, and psychometric assessment if there are unexpected difficulties in reading and associated linguistic problems at the level of phonological processing that are unrelated to the student's intelligence, age, and grade level. The core assessment shall not be based on a single test score or specific number of characteristics and shall include all of the following:

1. tests of language, particularly phonemic assessment, real words, and pseudo words, oral reading fluency, and intellectual ability;
2. an academic performance review; and
3. an interview with the student's parent or legal guardian.

C. Vendors and professionals who administer and interpret the core assessments must meet qualifications set forth by the assessment publisher and be trained in administering the assessment, and may include a licensed psychologist, certified school psychologist, licensed certified speech-language pathologist, certified educational diagnostician, clinical psychologists, neuropsychologists, and/or certified academic language therapist. Core assessment publishers determine professionals trained to interpret the assessments.

D. The LDOE shall provide reimbursement for the cost of the assessment, subject to the availability of funding designated for this purpose and in alignment with applicable Louisiana statute and BESE policy.

1. Entities seeking reimbursement for the cost of core assessment must submit a request for reimbursement to the LDOE according to the procedures established for this purpose.
2. The amount of reimbursement provided shall not exceed \$500 per eligible student request, per academic year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:24.9, R.S. 17:392.1, 17:392.3, and 17:392.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

COMPARISON DOCUMENT

TITLE 28

EDUCATION

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

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

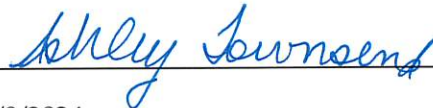
Person Preparing Statement: Ashley Townsend
Phone: 225.342.3446
Division: Governmental, Administrative, and Public Affairs

Rule Title: Part XXXV. Bulletin 1903 -- Louisiana Handbook for Students with Dyslexia (LAC 28:XXXV.110)

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: 
Date Submitted: 10/9/2024

**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 XXXV. Bulletin 1903, Louisiana Handbook for Students with Dyslexia (LAC 28:XXXV.110)

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: 
Date Submitted: 10/9/2024

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, December 10, 2024, 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**

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 XXXV. Bulletin 1903, Louisiana Handbook for Students with Dyslexia (LAC 28:XXXV.110)</u>
		Date Rule Takes Effect:	<u>Upon final adoption by BESE</u>

SUMMARY
(Use complete sentences)

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

There are no new anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change updates *Bulletin 1903 -- Louisiana Handbook for Students with Dyslexia*. Act 517 of the 2024 RS requires the promulgation of rules regarding kindergarten dyslexia screening and core assessment, parent notification, and reimbursement criteria. Schools currently engage in a process involving interventions and data collection through the school building level committee to determine whether additional testing is required. The proposed rule change allows parents to respond to an at-risk determination on a dyslexia screener by requesting dyslexia testing. While funding is available as appropriated by the legislature, reimbursement for the testing will be available according to the vendors approved by the Louisiana Department of Education (LDOE) and the rate established in policy. Reimbursement of up to \$500 for dyslexia testing will be allowable during each school year for each student. The Legislature transferred \$1 M SGF into the Dyslexia Fund in Act 723 of the 2024 RS for reimbursement of dyslexia testing, however no appropriations from the fund have been made. Any unspent money will remain in the fund, and the availability of additional funding will be subject to future appropriation by the legislature. The extent to which reimbursement for dyslexia testing will be requested is indeterminable.

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. Reimbursement for testing will be available, subject to funding appropriated by the legislature.

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

Providers approved for reimbursement using state funds could realize increased revenue by providing testing services for students. Parents of students being tested for dyslexia could save money on the cost of testing if they choose to use a private testing provider.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Individuals qualified to administer dyslexia testing could experience an increased demand for services as funding is available for reimbursement.

Beth Scioneaux
Signature of Head or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance

Typed Name & Title of Agency Head or Designee

11.7.24
Date of Signature

Patrice Thomas, Deputy Fiscal Officer
Legislative Fiscal Officer or Designee

11/08/2024
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 amends LAC 28:XXXV in *Bulletin 1903– Louisiana Handbook for Students with Dyslexia*, regarding kindergarten dyslexia screening and core assessment, parent notification, and reimbursement criteria.

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

Act 517 of the 2024 RS requires the promulgation of rules regarding reimbursement for subsequent testing of students identified as at-risk for dyslexia on the dyslexia screener.

- 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 legislature transferred \$1 M SGF into the Dyslexia Fund for reimbursement of dyslexia testing, however, no appropriations have been made from the Fund in FY 25. ShouldAny unspent money will remain in the fund, and the availability of additional funding will be subject to future appropriation by the legislature. The extent to which reimbursement for dyslexia testing will be requested is indeterminable.

- (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

**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 25	FY 26	FY 27
PERSONAL SERVICES	\$0	\$0	\$0
OPERATING EXPENSES	\$0	\$0	\$0
PROFESSIONAL SERVICES	Indeterminable	Indeterminable	Indeterminable
OTHER CHARGES	\$0	\$0	\$0
EQUIPMENT	\$0	\$0	\$0
MAJOR REPAIR & CONSTR.	\$0	\$0	\$0
TOTAL	Indeterminable	Indeterminable	Indeterminable
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.

Up to \$500 may be reimbursed for dyslexia testing conducted by a vendor approved by LDOE. While \$1 M is available for reimbursement, the number of parents who will request subsequent testing is indeterminable.

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

Act 525 of the 2024 RS created a Dyslexia Fund from which reimbursements will be disbursed. Act 723 of the 2024 RS transferred \$1 M to the fund.

SOURCE	FY 25	FY 26	FY 27
STATE GENERAL FUND	\$0	\$0	\$0
AGENCY SELF-GENERATED	\$0	\$0	\$0
DEDICATED	Indeterminable	Indeterminable	Indeterminable
FEDERAL FUNDS	\$0	\$0	\$0
OTHER (Specify)	\$0	\$0	\$0
TOTAL	Indeterminable	Indeterminable	Indeterminable

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

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.

Schools will need to inform parents about the opportunity to request additional testing when parents are notified that a dyslexia screener has indicated a student is at risk for dyslexia. If a school will be the provider of dyslexia testing, additional work could be required that may also be reimbursable through the program.

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

Reimbursements for eligible testing services will be provided from the money appropriated by the legislature for this purpose.

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.

Providers approved for reimbursement using state funds could realize increased revenue by providing testing services for students. Parents of students being tested for dyslexia could save money on the cost of testing if they choose to use a private testing provider.

- 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.

Individuals qualified to administer dyslexia testing could experience an increased demand for services as funding is available for reimbursement.