

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Part LXXIX. Bulletin 741 (Nonpublic)— Louisiana Handbook for Nonpublic School Administrators  
(LAC 28:LXXIX.119, 901, and 907).

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:LXXIX in *Bulletin 741(Nonpublic) – Louisiana Handbook for Nonpublic School Administrators*. The aforementioned revisions align policy with Louisiana Revised Statutes 17:151.3, 17:154.1, and 17:232 to clarify expectations regarding both in person and remote attendance and to establish expectations and definitions for remote instruction. Further, revisions require each nonpublic school or system to develop a written continuous learning plan for modified operations during school closures.

## TITLE 28

## EDUCATION

### Bulletin 741 – Louisiana Handbook for Nonpublic School Administrators

#### §119. Written Policies

A. – C.4.

...

D. Each nonpublic school or system shall have a written continuous learning plan for modified operations during school closures, reviewed by stakeholders and disseminated through typical school policy communication structures no later than June 30, 2023, and annually updated no later than June 30, including but not limited to:

- a. technology and connectivity;
- b. student and staff responsibilities;
- c. attendance;
- d. family strategic communication, engagement, and support; and
- e. instructional quality.

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, R.S. 44:411, and R.S. 17:437.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3074 (December 2005), LR 38:1008 (April 2012), LR 39:1439 (June 2013), LR 48:1273 (May 2022), LR 48:

#### Chapter 9. Student Services

#### §901. Attendance

A. ...

1. Beginning with the 2022-2023 school year, students who have attained the age of five years by September thirtieth of the calendar year in which the school year begins shall attend a public or nonpublic day school or participate in an approved home study program until they reach the age of 18 years.

B. A student is considered to be in attendance when he or she is physically present at a school site or is participating in an authorized school activity and is under the supervision of authorized personnel.

1. Attendance shall be checked and recorded for each student on each school day and at the beginning of each class period in accordance with R.S. 17:232.B.(1).

2. – E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2347 (November 2003), amended LR 31:3078 (December 2005), LR 39:1442 (June 2013), LR 45:1055 (August 2019), LR 48:

#### §907. Remote Instruction

A. Remote instruction. An educational model in which the student and educator are not physically present in a traditional classroom environment where instruction may be facilitated by the use of computers, technology, and the internet.

B. Hybrid Instruction. Instruction provided via a combination of face-to-face and remote models.

C. Attendance. Students are considered to be in attendance during remote or hybrid instruction when attendance is checked and recorded on each school day and at the beginning of each class period in accordance with R.S. 17:232.B.(1) and when at least one of the following requirements is met:

1. The student logs into synchronous online instruction at the designated time for the course in which the student is enrolled. Specific login requirements and instructional expectations according to grade level are determined by the LEA.

2. Evidence exists that the student accessed a planned asynchronous instructional activity. Acceptable evidence of student participation in asynchronous activities is to be outlined by the LEA.

D. Remote attendance policy extends to students enrolled in a course for which instruction usually occurs in person at a school site, but for which instruction has been temporarily transferred to a remote delivery method due to initiation of continuous learning, a situation that renders the school site inaccessible for daily instructional activities, or for students temporarily unable to physically attend at the school site.

E. Remote learning attendance and related requirements shall be outlined in LEA policy and communicated to students and parents or legal guardians at the beginning of the school year and upon initiation of remote instructional delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(5) and R.S. 17:232.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

## COMPARISON DOCUMENT

### TITLE 28

### EDUCATION

### Bulletin 741 (Nonpublic) – Louisiana Handbook for Nonpublic School Administrators

#### §119. Written Policies

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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, R.S. 44:411, and R.S. 17:437.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3074 (December 2005), LR 38:1008 (April 2012), LR 39:1439 (June 2013), LR 48:1273 (May 2022), LR 48:

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~~B.1. A student is considered to be in attendance when he or she:~~

- ~~a. is physically present at a school site or is participating in an authorized school activity; and~~
- ~~b. is under the supervision of authorized personnel.~~

B. A student is considered to be in attendance when he or she is physically present at a school site or is participating in an authorized school activity and is under the supervision of authorized personnel.

1. Attendance shall be checked and recorded for each student on each school day and at the beginning of each class period in accordance with R.S. 17:232.B.(1).

2. – E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 44:411.

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E. Remote learning attendance and related requirements shall be outlined in LEA policy and communicated to students and parents or legal guardians at the beginning of the school year and upon initiation of remote instructional delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(5) and R.S. 17:232.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

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

**Person Preparing Statement:** Ashley Townsend  
**Phone:** 225-342-3446  
**Division:** Policy Office  
**Rule Title:** Part LXXIX. Bulletin 741(Nonpublic) - Louisiana Handbook for Nonpublic School Administrators (LAC LXXIX.119, 901, and 907).

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

PLEASE RESPOND TO THE FOLLOWING:

- I. WILL THE PROPOSED RULE AFFECT THE STABILITY OF THE FAMILY?  
 No  
 Yes  
 Lacks sufficient information to determine
2. WILL THE PROPOSED RULE AFFECT THE AUTHORITY AND RIGHTS OF PARENTS REGARDING THE EDUCATION AND SUPERVISION OF THEIR CHILDREN?  
 No  
 Yes  
 Lacks sufficient information to determine.
3. WILL THE PROPOSED RULE AFFECT THE FUNCTIONING OF THE FAMILY?  
 No  
 Yes  
 Lacks sufficient information to determine
4. WILL THE PROPOSED RULE AFFECT FAMILY EARNINGS AND FAMILY BUDGET?  
 No  
 Yes  
 Lacks sufficient information to determine
5. WILL THE PROPOSED RULE AFFECT THE BEHAVIOR AND PERSONAL RESPONSIBILITY OF CHILDREN?  
 No  
 Yes  
 Lacks sufficient information to determine
6. IS THE FAMILY OR A LOCAL GOVERNMENT ABLE TO PERFORM THE FUNCTION AS CONTAINED IN THE PROPOSED RULE?  
 No  
 Yes  
 Lacks sufficient information to determine

Signature of Contact Person: 

Date Submitted: 8/29/2022

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

**Person Preparing Statement:** Ashley Townsend

**Phone:** 225-342-3446

**Division:** Policy Office

**Rule Title:** Part LXXIX. Bulletin 741 (Nonpublic) – Louisiana Handbook for Nonpublic School Administrators (LAC 28:LXXIX.119, 901, and 907)

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on the rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this Section, the word "poverty" means living at or below one hundred percent of the federal poverty line.

PLEASE RESPOND TO THE FOLLOWING:

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

- No
- Yes
- Lacks sufficient information to determine

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

- No
- Yes
- Lacks sufficient information to determine

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

- No
- Yes
- Lacks sufficient information to determine

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

- No
- Yes
- Lacks sufficient information to determine

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

- No
- Yes
- Lacks sufficient information to determine

Signature of Contact Person: 

Date Submitted: 8/29/2022

### **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, November 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director



FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

Person  
Preparing  
Statement: Ashley Townsend Dept.: LA Department of Education  
Board of Elementary &  
Secondary Education

Phone: (225) 342-3446 Office: Policy

Return  
Address: P. O. Box 94064 Rule  
Baton Rouge, LA Title: Part LXXIX. *Bulletin 741 (Nonpublic) -*  
*Louisiana Handbook for Nonpublic School*  
*Administrators (LAC 28:LXXIX. 119, 901,*  
*and 907).*

Date Rule Takes Effect: Upon final adoption by BESE

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

The proposed revisions will not have an effect on costs or savings to state governmental or local governmental units, as they apply to nonpublic schools.

The revisions align policy with Louisiana Revised Statutes 17:151.1, 17:154.1, and 17:232 to clarify expectations regarding both in person and remote attendance and to establish expectations and definitions for remote instruction. Further, revisions require each nonpublic school system to develop a written continuous learning plan for modified operations during school closures.

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

The proposed revisions 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 NON-GOVERNMENTAL GROUPS (Summary)

There may be increased workload for nonpublic schools to develop the continuous learning plans required by the proposed revisions. However, any associated costs are indeterminable.

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

\_\_\_\_\_  
Signature of Agency Head or Designee

\_\_\_\_\_  
Legislative Fiscal Officer or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance

\_\_\_\_\_  
Typed Name and Title of Agency Head or Designee

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Date of Signature

LFO 10/04

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The aforementioned revisions align policy with Louisiana Revised Statutes 17:151.1, 17:154.1, and 17:232 to clarify expectations regarding both in person and remote attendance and to establish expectations and definitions for remote instruction. Further, revisions require each nonpublic school or system to develop a written continuous learning plan for modified operations during school closures.

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

During the 2020 Regular Legislative Session, SCR 63 created the Continuous Learning Task Force to assist the LDOE in the development of guidance for Louisiana educators to meet the immediate need of supporting learning outside of traditional practices during extended school closures. Upon recommendation of the task force, revisions require LEAs to develop written policy for continuous learning during modified operations. Policy revisions also align attendance policy and school attendance age requirements with statute and define remote instruction.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session.

1. Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No.

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

(a) \_\_\_\_\_ Yes. If yes, attach documentation.

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

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

The proposed revisions will not have an effect on costs or savings to state agencies.

COSTS	FY22-23	FY23-24	FY24-25
PERSONAL SERVICES			
OPERATING EXPENSES	-0-	-0-	-0-
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
<u>MAJOR REPAIR &amp; CONSTR.</u>			
<u>POSITIONS (#)</u>			
<b>TOTAL</b>	-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.

N/A

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

SOURCE	FY22-23	FY23-24	FY24-25
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED	-0-	-0-	-0-
DEDICATED			
FEDERAL FUNDS	-0-	-0-	-0-
OTHER (Specify)			
<b>TOTAL</b>	-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?

N/A

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.

The proposed revisions will not have an effect on costs or savings to local governmental units, as they apply to nonpublic schools.

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

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

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

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

REVENUE INCREASE/DECREASE	FY22-23	FY23-24	FY24-25
STATE GENERAL FUND			
AGENCY SELF GENERATED			
RESTRICTED FUNDS			
FEDERAL FUNDS			
LOCAL FUNDS			
TOTAL			

\*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.

N/A

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

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

There may be increased workload for nonpublic schools to develop the continuous learning plans required by the proposed revisions. However, any associated costs are indeterminable.

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

N/A

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

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