

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

Person
Preparing
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Board of Elementary &
Secondary Education

Phone: 225-472-6527 Office: Governmental, Admin., and Public Affairs

Return
Address: P.O. Box 94064 Rule
Baton Rouge, LA Title: Part CXV. Bulletin 741—
Louisiana Handbook for School Administrators
(LAC 28: CXV.525)

Date Rule
Takes Effect: Upon final adoption by BESE

SUMMARY

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

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

The proposed rule revisions set forth the requirements regarding the implementation of the associate teacher program established by Act 99 of the 2023 Regular Legislative Session. The program allows for individuals who possess an associate's degree, who are at least 25 years of age, and meet other requirements outlined by law, to work as teachers in the content area related to his or her associate's degree, for no more than five years.

There are no anticipated implementation costs or savings to state governmental units due to the proposed rule revisions. The Louisiana Department of Education (LDOE) reports there will be no impact on expenditures at the department level. The program will require enhancements to the current LDOE data system to collect relevant staffing data; however, that cost is already covered by an existing contract.

Local education agencies (LEAs) opting to participate in the program may see a decrease in expenditures as the salary of program participants is capped at 75% of the average classroom teacher salary of the employing school system. Up to 10% of the teaching staff in a school district can be program participants. LEAs may see a minimal increase in expenditures associated with required criminal history record checks for participants. The LFO estimates that a single criminal history record check will cost \$54.25, composed of a \$13.25 federal background check fee, a \$26 state background check fee, a \$10 vendor fingerprinting fee, and a \$5 sheriff's technology fee. LEAs would also be responsible for \$2,000 stipend payments to mentor teachers who may be assigned to participants, subject to appropriation of funds for that purpose. All of these impacts are dependent on the extent to which an LEA opts to participate in the program.

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

The proposed rule revisions will not have a determinable 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)

The proposed rule revisions will provide individuals holding an associate's degree who are interested in becoming a teacher a means to work in the school setting, making 75% of the average teacher salary in the school district. This represents a potential increase in quality of life and family income for these individuals as well as giving them the opportunity to gain teaching experience. Employers will have an additional route to explore in filling classroom vacancies with individuals who can provide stability for students

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule revisions provide an additional route by which schools may employ individuals who wish to become educators, effective through December 31, 2033. The proposed rule revisions will provide LEAs who opt to participate in the program the opportunity to address teacher shortages by expanding the pool of qualified candidates. This expansion may also lead to increased competition for teaching positions.



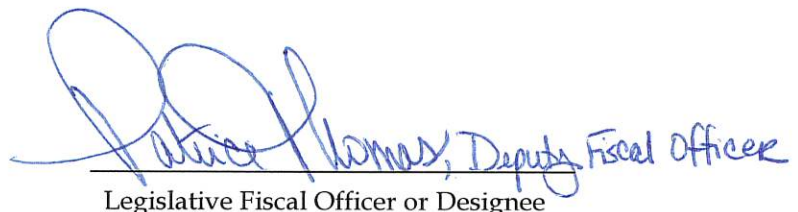
Signature of Agency Head or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance

Typed Name & Title of Agency Head or Designee

10.10.23

Date of Signature



Patricia Thomas, Deputy Fiscal Officer

Legislative Fiscal Officer or Designee

10/10/2023

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 revisions set forth the requirements regarding the implementation of the associate teacher program. The program allows for individuals who possess an associate's degree, who are at least 25 years of age, and meet other requirements outlined by law, to work as teachers in the content area related to his or her associate's degree, for no more than five years.

There are no anticipated implementation costs or savings to state governmental units due to the proposed rule revisions to LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The Louisiana Department of Education (LDOE) reports there will be no impact on expenditures at the department level. The program will require enhancements to the current LDOE data system to collect relevant staffing data; however, that cost is already covered by an existing contract.

Local education agencies (LEAs) opting to participate in the program may see a decrease in expenditures as the salary of program participants is capped at 75% of the average classroom teacher salary of the employing school system. Up to 10% of the teaching staff in a school district can be program participants. LEAs may see a minimal increase in expenditures associated with required criminal history record checks for participants. The LFO estimates that a single criminal history record check will cost \$54.25, comprised of a \$13.25 federal background check fee, a \$26 state background check fee, a \$10 vendor fingerprinting fee, and a \$5 sheriff's technology fee. LEAs would also be responsible for \$2,000 stipend payments to mentor teachers who may be assigned to participants, subject to appropriation of funds for that purpose. All of these impacts are dependent on the extent to which an LEA opts to participate in the program.

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

Revisions align BESE policy with Act 99 of the Louisiana 2023 Regular Legislative Session to establish the associate teacher program.

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

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

No increase in the expenditure of funds is expected as a result of the proposed rule revisions.

- (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 revisions will have no effect on costs or savings to state agencies.

COSTS	FY 24	FY 25	FY 26
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 Repairs & 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.

SOURCE	FY 24	FY 25	FY 26
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.

Local education agencies (LEAs) opting to participate in the program may see a decrease in expenditures as the salary of program participants is capped at 75% of the average classroom teacher salary of the employing school system. Up to 10% of the teaching staff in a school district can be program participants. LEAs may see a minimal increase in expenditures associated with required criminal history record checks for participants. The LFO estimates that a single criminal history record check will cost \$54.25, comprised of a \$13.25 federal background check fee, a \$26 state background check fee, a \$10 vendor fingerprinting fee, and a \$5 sheriff's technology fee. LEAs would also be responsible for \$2,000 stipend payments to mentor teachers who may be assigned to participants, subject to appropriation of funds for that purpose. All of these impacts are dependent on the extent to which an LEA opts to participate in the program.

LEAs will also need to provide for participation in the professional collaboration and evaluation processes for associate teachers. These efforts are not expected to result in additional costs besides what the employers already spend on the hiring and retention processes.

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

Additional funding resulting from the proposed rule changes will be provided by individual LEAs, to the extent they opt to participate in the program.

**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 rule revisions will not have a determinable effect on revenue collections of local governmental units.

REVENUE INCREASE/DECREASE	FY 24	FY 25	FY 26
State General Fund	0	0	0
Agency Self-Generated	0	0	0
Dedicated Funds*	0	0	0
Federal Funds	0	0	0
Local Funds	0	0	0
TOTAL	0	0	0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

Not applicable.

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

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

Individuals holding an associate's degree and interested in becoming a teacher will have a means to work in the school setting making seventy-five percent of the average teacher salary in the school district. This represents a potential increase in quality of life and family income for these individuals as well as giving them the opportunity to gain teaching experience. Employers will have an additional route to explore in filling classroom vacancies with individuals who can provide stability for students.

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.

The proposed rule revisions provide for an additional route by which schools may employ individuals who wish to become educators. This may lead to increased competition for teaching positions.

NOTICE OF INTENT
Board of Elementary and Secondary Education

Associate Teacher Program
(LAC 28: CXV.525)

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: CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The aforementioned revisions align BESE policy with Act 99 of the 2023 Regular Legislative Session, which sets forth requirements regarding the implementation of the associate teacher program.

TITLE 28
EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 5. Personnel

§525. Associate Teacher Program

A. An associate teacher is an employee authorized by the local governing authority (LEA) of a public elementary or secondary school to serve as a teacher of record. Such teacher must:

1. be at least 25 years old;
2. hold an associate's degree awarded by a college or university accredited in accordance with 34 CFR 602, *et seq.*;
3. be continuously enrolled in an undergraduate educator preparation program at a college or university accredited in accordance with 34 CFR 602, *et seq.*, for the purpose of obtaining a bachelor's degree; and
4. meet any other qualifications established by the LEA.

B. The LEA shall conduct a criminal history background check in accordance with R.S. 17:15 and R.S. 15:587.1 prior to employment.

C. An individual shall not serve as a teacher of record under an associate teacher permit for more than five years.

D. An associate teacher shall be employed to teach only in the content area related to the associate's degree.

E. An associate teacher shall not teach in a class for students with identified exceptionalities, unless the students are identified as gifted or talented.

F. The LEA should assign a mentor teacher to an associate teacher for the purposes of providing on-site teacher training, demonstrating lessons, co-teaching, observation, and providing feedback for improving instruction.

G. Associate teachers shall participate in weekly teacher collaborations.

H. For an associate teacher enrolled in a BESE-approved teacher preparation program, hours spent teaching by an associate teacher shall count toward the student teaching hours required in accordance with R.S. 17:8.1 and LAC 28: XLV.743 (*Bulletin 996*).

I. No more than ten percent of the teaching staff of the school system shall be associate teachers.

J. Associate teachers shall be annually evaluated.

K. Documentation of the local permit must be maintained by the LEA and the associate teacher. The LEA must document compliance with the provisions of this Section.

L. LEAs shall provide information regarding the effectiveness of the associate teacher program, as requested, to the LDOE.

M. The salary paid to an associate teacher shall not exceed seventy-five percent of the average yearly classroom teacher salary of the employing school system.

N. The provisions of this Section shall terminate on December 31, 2033.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:8, and 17:3902.

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

COMPARISON DOCUMENT

TITLE 28

EDUCATION

Bulletin 741—Louisiana Handbook for School Administrators

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 5. Personnel

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C. An individual shall not serve as a teacher of record under an associate teacher permit for more than five years.

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J. Associate teachers shall be annually evaluated.

K. Documentation of the local permit must be maintained by the LEA and the associate teacher. The LEA must document compliance with the provisions of this Section.

L. LEAs shall provide information regarding the effectiveness of the associate teacher program, as requested, to the LDOE.

M. The salary paid to an associate teacher shall not exceed seventy-five percent of the average yearly classroom teacher salary of the employing school system.

N. The provisions of this Section shall terminate on December 31, 2033.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.6, 17:7.8, and 17:3902.

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


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

Person Preparing Statement: Ashley Townsend
Phone: 225-472-6527
Division: Governmental, Administrative, and Public Affairs
Rule Title: Part CXV. Bulletin 741—Louisiana Handbook for School Administrators (LAC 28: CXV.525)

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: 8/28/2023

POVERTY IMPACT STATEMENT
(LA R.S. 49:973)

Person Preparing Statement: Ashley Townsend
Phone: 225-472-6527
Division: Governmental, Administrative, and Public Affairs
Rule Title: Part CXV. Bulletin 741—Louisiana Handbook for School Administrators (LAC 28: CXV.525)

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? Yes
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

Signature of Contact Person: 
Date Submitted: 8/28/2023

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, 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.