

**NOTICE OF INTENT**  
**BOARD OF ELEMENTARY AND SECONDARY EDUCATION**

Numeracy and High Dosage Tutoring  
(LAC 28: XXXIX.700, 701, and 705)

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: XXXIX in *Bulletin 1566—Pupil Progression Policies and Procedures*. The proposed amendments align BESE policy with legislation enacted during the 2024 Regular Legislative Session. The revisions adopt requirements for implementation of Act 650: K-3 numeracy and Act 771: high dosage tutoring.

**Title 28**

**EDUCATION**

**Part XXXIX. Bulletin 1566—Pupil Progression Policies and Procedures**

**Chapter 7. Promotion and Support Policy**

**§700. Support Standard for Grades Kindergarten-3**

A. ...

1. Beginning with the 2026-2027 school year and beyond, each LEA shall identify all students in kindergarten, first, second, and third grades who score below grade level on the numeracy screener.

B. The school shall notify the parents or legal guardian of students identified as scoring below grade level pursuant to this Section in writing regarding the student's performance within 15 days of identification. Such notification shall:

1. Provide information on activities that can be done at home to support the student's literacy and/or numeracy proficiency.

2. Provide information about supports and interventions that will be provided by the school to support the student's literacy and/or numeracy proficiency.

3. – C. ...

1. Repealed.

D. Beginning no later than the 2026-2027 school year, a student in kindergarten through third grade, within thirty days of being identified as being below grade level based on the numeracy screener shall receive an individual numeracy improvement plan. The plan shall be created by the teacher, principal, other pertinent school personnel, and the parent or legal guardian; describe the evidence-based numeracy intervention services the student will receive; and include suggestions for strategies parents can use at home.

E. The school shall provide mid-year and end-of-year updates to the parent or legal guardian of students identified as below grade level pursuant to this Section.

F. The LDOE may audit a random sampling of the plans required by this Section in each LEA. The plans may be consolidated into a single expanded academic support plan in accordance with §705 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:7; R.S. 17:24.4; and R.S. 14:24.10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1760 (July 2022), LR 49:245 (February 2023), repromulgated LR 49:851 (May 2023), LR 51:

**§701. Promotion and Support Standard for Grades 3-7**

A. – C.

Repealed.

D. – F.4.

...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R.S. 17:24.9; R.S. 17:24.10 and R.S. 17:24.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:481 (March 2018), LR 48:1760 (July 2022), LR 50:679 (May 2024), LR 51:

**§705. Supports for Students**

A. – A.3.a.

...

b. teachers shall be rated “proficient,” “highly effective,” or “exemplary” pursuant to the teacher’s most recent evaluation or have achieved a value-added rating of “proficient,” “highly effective,” or “exemplary” on the most recent evaluation;

B. Student Level Plans

1. The individual academic support plan outlined in this Section shall be provided to identified students by the LEA and will be differentiated based on student needs. The individual academic support plan should provide intervention information and outline progress monitoring for each student.

2. LEAs shall design and implement additional instructional strategies to move the students to grade-level proficiency by providing at least two of the following, which shall be documented in the expanded academic support plan.

a. The student is placed in the classroom of a teacher who has been rated “highly effective” or “exemplary” pursuant to his/her most recent evaluation or has achieved a value-added rating of “highly effective” or “exemplary” pursuant to his/her most recent evaluation, or has documented evidence derived from state summative assessments of improving the academic performance of improving the academic performance of students having academic support plans in the past.

b. – 3.

...

4. The individual academic support plan should be considered the holistic plan that is differentiated based on student need and could include one or more of the following:

a. an individual reading improvement plan, in accordance with §700 of this Chapter;

b. an individual numeracy improvement plan, in accordance with §700 of this Chapter;

c. the individual student plan required by Subsection C of this Section;

d. the individual student plan required by §701 of this Chapter;

5. The LDOE shall provide a template to LEAs which will support the creation of the individual academic support plan for identified students.

6. An individual academic support plan developed to outline support provided for a fifth grade student in English language arts or mathematics will remain in place, updated annually, until the student achieves a score of “Basic” or above in each of the subjects that initially led to the development of the plan.

C. – C.5.

Repealed.

D. Expanded Academic Tutoring Support.

1. Each LEA shall identify kindergarten through fifth grade students who fail to achieve mastery in reading or math in accordance with LAC 28:XI *Bulletin 111*.

2. Not later than September fifteenth of each year, LEAs shall submit to the LDOE a system-level plan and supporting budget to provide expanded support to identified students.

a. The LDOE shall review each plan submitted for compliance with federal and state regulations and provide feedback as necessary for compliance with applicable regulations.

b. The LEA must make applicable corrections within ten school days of the date on which LDOE feedback was sent and return the updated plan and budget to LDOE.

3. Students identified as needing expanded academic support shall be provided with one of the following options:

a. prioritized placement in a class taught by a teacher labeled as “highly effective” or higher in accordance with LAC 28:CXLVII (*Bulletin 130*), if available; or

b. high dosage tutoring to commence no later than thirty days after the student is identified as needing expanded academic support or, for students identified during the summer, within the first thirty days of the school year.

4. High-dosage tutoring provided shall meet all of the following criteria:

a. incorporate direct instruction by tutors using formative assessment aligned with grade-level content and tier 1 classroom instruction;

b. be sustained for a minimum of ten weeks;

c. be provided, at least three times per week, in approximately thirty-minute sessions, which shall be imbedded in the school day;

d. use assessments throughout the school year to monitor student progress;

e. be based on high-quality instructional materials that are aligned with the state content standards and are specifically designed for supplemental instruction;

f. be individualized and provided at a ratio of not higher than four students to one tutor;

g. be provided by a high-quality, consistent tutor, or by a limited, consistent set of tutors throughout the student’s supplemental instruction period; and

h. be provided in accordance with guidelines on research-based best practices and effective accelerated instruction strategies developed and provided by LDOE.

5. *High Quality Tutor*—an individual who meets at least one of the following criteria:

a. a person with training in using high quality instructional materials and who receives ongoing oversight while providing the high-dosage tutoring;

b. staff of a high quality tutoring provider;

c. current or retired teachers;

d. trained paraprofessionals.

6. Within fifteen calendar days of a student being enrolled in high-dosage tutoring, the parent shall be provided a written expanded academic support plan detailing the high-dosage tutoring that will be provided, including information regarding who will provide the instruction and when the instruction will be provided. The plan shall include specific dates from progress reports and information on the parent role in accelerating student learning. The information shall be provided in a way that is accessible to the parent or legal guardian.

7. Each LEA shall provide a report by June first of each year to the LDOE on the following data regarding eligible and participating students:

a. the number of students identified as needing, and the number of students provided, expanded academic support, and related student metrics including tutoring subject, grade level, attendance, dosage, prior performance on the state assessment, and demographic information;

b. the number of students identified as needing, and the number of students provided, expanded academic support, related student metrics including tutoring subject, grade level, attendance, dosage, prior performance on the state assessment, demographic information for two or more consecutive years;

c. a list of high quality tutoring providers and any teachers used by the LEA to offer expanded academic support;

d. a summary of how the school day has been restructured to offer the expanded academic support; and

e. the amount and source of private, federal, state, or local funds spent on providing expanded academic support and how the funding was used by the LEA to provide high dosage tutoring.

8. LEAs shall utilize available state and federal funds to implement expanded academic support. If such funding is not available, a local school board shall not be obligated to provide funding to continue the expanded academic support.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17.7, and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2005 (September 2010), amended LR 40:2533 (December 2014), LR 44:482 (March 2018), LR 44:1004 (June 2018), LR 46:18 (January 2020), LR 49:245 (February 2023), LR 51:

COMPARISON DOCUMENT

TITLE 28  
EDUCATION

Part XXXIX. Bulletin 1566—Pupil Progression Policies and Procedures

Chapter 7. Promotion and Support Policy

§700. Support Standard for Grades Kindergarten-3

A. ...

1. Beginning with the 2026-2027 school year and beyond, each LEA shall identify all students in kindergarten, first, second, and third grades who score below grade level on the numeracy screener.

B. The school shall notify the parents or legal guardian of students identified as scoring below grade level pursuant to this Section in part A of this subsection in writing regarding the student’s performance within 15 days of identification. Such notification shall:

- 1. Provide information on activities that can be done at home to support the student’s literacy and/or numeracy proficiency.
- 2. Provide information about supports and interventions that will be provided by the school to support the student’s literacy and/or numeracy proficiency.

3. – C. ...

1. Repealed.

D. Beginning no later than the 2026-2027 school year, a student in kindergarten through third grade, within thirty days of being identified as being below grade level based on the numeracy screener shall receive an individual numeracy improvement plan. The plan shall be created by the teacher, principal, other pertinent school personnel, and the parent or legal guardian; describe the evidence-based numeracy intervention services the student will receive; and include suggestions for strategies parents can use at home. The school shall provide mid-year and end-of-the-year updates to the parent or legal guardian of students identified in §700.A of this Chapter.

E. The school shall provide mid-year and end-of-year updates to the parent or legal guardian of students identified as below grade level pursuant to this Section.

F. The LDOE may audit a random sampling of the plans required by this Section in each LEA. The plans may be consolidated into a single expanded academic support plan in accordance with §705 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17.7; R.S. 17:24.4; and R.S. 14:24.10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1760 (July 2022), LR 49:245 (February 2023), repromulgated LR 49:851 (May 2023), LR 51:

§701. Promotion and Support Standard for Grades 3-7

A. – C. Repealed.

D. – F.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7; R.S. 17:24.4; R.S. 17:24.9; R.S. 17:24.10 and R.S. 17:24.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:481 (March 2018), LR 48:1760 (July 2022), LR 50:679 (May 2024), LR 51:

§705. Supports for Students

A. – A.3.a. ...

b. teachers shall be rated “proficient,” “highly effective,” or “exemplary” “effective: proficient” or “highly effective” pursuant to the teacher’s most recent evaluation or have achieved a value-added rating of “proficient,” “highly effective,” or “exemplary” “effective: proficient” or “highly effective” on the most recent evaluation;

B. Student Level Plans School-Year Support

1. The individual academic support plan outlined in this Section shall be provided to identified students by the LEA and will be differentiated based on student needs. The individual academic support plan should provide intervention information and outline progress monitoring for each student. The individual academic plan for each student identified in §701 of this bulletin shall outline the responsibilities of each party for students who have failed to achieve the standard by the end of fourth grade.

2. LEAs shall design and implement additional instructional strategies to move the students to grade-level proficiency by providing at least two of the following, which shall be documented in the individual expanded academic support improvement plan.

a. The student is placed in the classroom of a teacher who has been rated “highly effective” or “exemplary” pursuant to his/her most recent evaluation or has achieved a value-added rating of “highly effective” or “exemplary” pursuant to his/her most recent evaluation, or has documented evidence derived from state summative assessments of improving the academic performance of improving the academic performance of students having individual academic support improvement plans in the past.

b. – 3. ...

4. The individual academic support plan should be considered the holistic plan that is differentiated based on student need and could include one or more of the following:

- a. an individual reading improvement plan, in accordance with §700 of this Chapter;
- b. an individual numeracy improvement plan, in accordance, with §700 of this Chapter;
- c. the individual student plan required by Subsection C of this Section;
- d. the individual student plan required by §701 of this Chapter;

5. The LDOE shall provide a template to LEAs which will support the creation of the individual academic support plan for identified students.

6. An individual academic support plan developed to outline support provided for a fifth grade student in English language arts or mathematics will remain in place, updated annually, until the student achieves a score of "Basic" or above in each of the subjects that initially led to the development of the plan.

C. – C.5.

Repealed.

D. Expanded Academic Tutoring Support.

1. Each LEA shall identify kindergarten through fifth grade students who fail to achieve mastery in reading or math in accordance with LAC 28:XI Bulletin 111.

2. Not later than September fifteenth of each year, LEAs shall submit to the LDOE a system-level plan and supporting budget to provide expanded support to identified students.

a. The LDOE shall review each plan submitted for compliance with federal and state regulations and provide feedback as necessary for compliance with applicable regulations.

b. The LEA must make applicable corrections within ten school days of the date on which LDOE feedback was sent and return the updated plan and budget to LDOE.

3. Students identified as needing expanded academic support shall be provided with one of the following options:

a. prioritized placement in a class taught by a teacher labeled as "highly effective" or higher in accordance with LAC 28:CXLVII (Bulletin 130), if available; or

b. high dosage tutoring to commence no later than thirty days after the student is identified as needing expanded academic support or, for students identified during the summer, within the first thirty days of the school year.

4. High-dosage tutoring provided shall meet all of the following criteria:

a. incorporate direct instruction by tutors using formative assessment aligned with grade-level content and tier 1 classroom instruction;

b. be sustained for a minimum of ten weeks;

c. be provided, at least three times per week, in approximately thirty-minute sessions, which shall be imbedded in the school day;

d. use assessments throughout the school year to monitor student progress;

e. be based on high-quality instructional materials that are aligned with the state content standards and are specifically designed for supplemental instruction;

f. be individualized and provided at a ratio of not higher than four students to one tutor;

g. be provided by a high-quality, consistent tutor, or by a limited, consistent set of tutors throughout the student's supplemental instruction period; and

h. be provided in accordance with guidelines on research-based best practices and effective accelerated instruction strategies developed and provided by LDOE.

5. High Quality Tutor—an individual who meets at least one of the following criteria:

a. a person with training in using high quality instructional materials and who receives ongoing oversight while providing the high-dosage tutoring;

b. staff of a high quality tutoring provider;

c. current or retired teachers;

d. trained paraprofessionals.

6. Within fifteen calendar days of a student being enrolled in high-dosage tutoring, the parent shall be provided a written expanded academic support plan detailing the high-dosage tutoring that will be provided, including information regarding who will provide the instruction and when the instruction will be provided. The plan shall include specific dates from progress reports and information on the parent role in accelerating student learning. The information shall be provided in a way that is accessible to the parent or legal guardian.

7. Each LEA shall provide a report by June first of each year to the LDOE on the following data regarding eligible and participating students:

a. the number of students identified as needing, and the number of students provided, expanded academic support, and related student metrics including tutoring subject, grade level, attendance, dosage, prior performance on the state assessment, and demographic information;

b. the number of students identified as needing, and the number of students provided, expanded academic support, related student metrics including tutoring subject, grade level, attendance, dosage, prior performance on the state assessment, demographic information for two or more consecutive years;

c. a list of high quality tutoring providers and any teachers used by the LEA to offer expanded academic support;

d. a summary of how the school day has been restructured to offer the expanded academic support; and

e. the amount and source of private, federal, state, or local funds spent on providing expanded academic support and how the funding was used by the LEA to provide high dosage tutoring.

8. LEAs shall utilize available state and federal funds to implement expanded academic support. If such funding is not available, a local school board shall not be obligated to provide funding to continue the expanded academic support.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17.7, and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2005 (September 2010), amended LR 40:2533 (December 2014), LR 44:482 (March 2018), LR 44:1004 (June 2018), LR 46:18 (January 2020), LR 49:245 (February 2023), 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  
Part XXXIX in *Bulletin 1566—Pupil Progression Policies and Procedures* (LAC 28:XXXIX.700, 701, and 705)  
**Rule Title:** \_\_\_\_\_

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: 08/23/2024

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


**Person Preparing**

**Statement:** Ashley Townsend  
**Phone:** 225.342.3446  
**Division:** Governmental, Administrative, and Public Affairs  
Part XXXIX in *Bulletin 1566—Pupil Progression Policies and Procedures* (LAC 28:XXXIX.700, 701, and 705)  
**Rule Title:** \_\_\_\_\_

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: 08/23/2024

#### **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, November 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**

<b>Person Preparing Statement:</b>	<u>Ashley Townsend</u>	<b>Department:</b>	<u>Louisiana Department of Education, Board of Elementary and Secondary Education</u>
<b>Phone:</b>	<u>225.342.3446</u>	<b>Office:</b>	<u>Governmental, Administrative, and Public Affairs</u>
<b>Return Address:</b>	<u>P.O. Box 94064 Baton Rouge, LA 70804</u>	<b>Rule Title:</b>	<u>Part XXXIX in <i>Bulletin 1566—Pupil Progression Policies and Procedures</i> (LAC 28:XXXIX.700, 701, and 705)</u>
		<b>Date Rule Takes Effect:</b>	<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)

The proposed rule change aligns Board of Elementary and Secondary Education (BESE) policy with education legislation enacted by the 2024 RS. The rule change adopts requirements for implementation of Act 650: K-3 numeracy and Act 771: high dosage tutoring. The numeracy screener required by Act 650 is anticipated to cost approximately \$2.5 M in the first year and \$3 M annually thereafter. Development of student-specific numeracy plans and provision of intervention services may have an indeterminable additional impact on educator workload and may result in an increase in expenditures for local education agencies (LEA) in order to compensate these employees. These potential costs will vary by LEA and be dependent on its specific compensation schedule. Based on 2023 data, costs to provide high dosage tutoring services for the approximately 316,374 scores below benchmark in both English Language Arts (ELA) and Math assessments are estimated to total \$30 M.

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

Act 4 of the 2024 RS included a \$30 M appropriation to support the provision of tutoring services in public schools. Based on student data, each school system was notified of the amount of the appropriation it is eligible to receive. Systems will submit to the Department of Education (LDOE), by 9/15/24, a plan and supporting budget to provide expanded academic support to eligible students. Upon approval of the plan, the funds will be released to systems for use in providing tutoring during the school day.

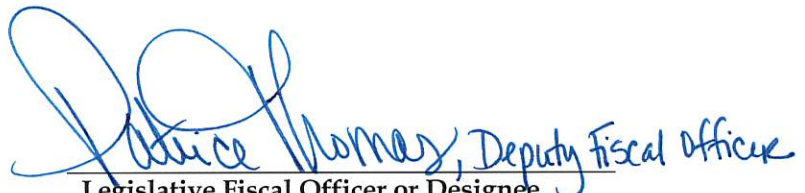
III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

Depending on how each school system designs its plan; tutors, tutoring services, current or retired teachers, or trained paraprofessionals could receive additional compensation in exchange for the provision of tutoring services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Additional employment opportunities for tutors, tutoring services, current or retired teachers, or trained paraprofessionals could emerge depending on the demand for tutoring services in a particular region.

  
\_\_\_\_\_  
Signature of Head or Designee  
Beth Scioneaux, Deputy Superintendent for Management and Finance  
\_\_\_\_\_  
Typed Name & Title of Agency Head or Designee  
10. 8. 24  
\_\_\_\_\_  
Date of Signature

  
\_\_\_\_\_  
Legislative Fiscal Officer or Designee  
  
10/09/2024  
\_\_\_\_\_  
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: XXXIX in *Bulletin 1566—Pupil Progression Policies and Procedures* to require individual student plans, interventions, and parent communication for students in kindergarten through third grade who struggle with math, beginning no later than the 2026-2027 school year. Further, system and student plans as well as either access to a highly effective teacher or high-dosage tutoring during the school day must be provided for students in kindergarten through fifth grade who score below proficient in reading or math.

- 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 aligns BESE policy with education legislation enacted during the 2024 RS. The revisions adopt requirements for implementation of Act 650: K-3 numeracy and Act 771: high dosage tutoring.

- 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 aligns Board of Elementary and Secondary Education (BESE) policy with education legislation enacted by the 2024 RS. The rule change adopts requirements for implementation of Act 650: K-3 numeracy and Act 771: high dosage tutoring. The numeracy screener required by Act 650 is anticipated to cost approximately \$2.5 M in the first year and \$3 M annually thereafter. Development of student-specific numeracy plans and provision of intervention services may have an indeterminable additional impact on educator workload and may result in an increase in expenditures for local education agencies (LEA) in order to compensate these employees. These potential costs will vary by LEA and be dependent on its specific compensation schedule. Based on 2023 data, costs to provide high dosage tutoring services for the approximately 316,374 scores below benchmark in both English Language Arts (ELA) and Math assessments are estimated to total \$30 M.

- (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

Act 4 of the 2024 RS appropriated \$30 M SGF for tutoring services and \$2.5 M SGF to develop and implement a numeracy screening program.



**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?

<b>COSTS</b>	<b>FY 25</b>	<b>FY 26</b>	<b>FY 27</b>
PERSONAL SERVICES	\$0	\$0	\$0
OPERATING EXPENSES	\$0	\$0	\$0
PROFESSIONAL SERVICES	\$32,500,000	\$33,000,000	\$33,000,000
OTHER CHARGES	\$0	\$0	\$0
EQUIPMENT	\$0	\$0	\$0
MAJOR REPAIR & CONSTR.	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$32,500,000</b>	<b>\$33,000,000</b>	<b>\$33,000,000</b>
<b>POSITIONS (#)</b>	<b>0</b>	<b>0</b>	<b>0</b>

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.

The numeracy screener required by Act 650 is anticipated to cost approximately \$2,500,000 in the first year and \$3,000,000 annually thereafter.

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

Act 4 of the 2024 RS appropriated \$30 M for the tutoring program and \$2.5 M to develop and implement a numeracy screening program.

<b>SOURCE</b>	<b>FY 25</b>	<b>FY 26</b>	<b>FY 27</b>
STATE GENERAL FUND	\$32,500,000	INCREASE	INCREASE
AGENCY SELF-GENERATED	\$0	\$0	\$0
DEDICATED	\$0	\$0	\$0
FEDERAL FUNDS	\$0	\$0	\$0
OTHER (Specify)	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$32,500,000</b>	<b>INCREASE</b>	<b>INCREASE</b>

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. Funding is sufficient for FY 25 and will be requested through the budgeting process for subsequent fiscal years.

**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.

Development of student-specific numeracy plans and provision of intervention may have an indeterminable additional impact on educator workload and may result in an increase in expenditures for local education agencies (LEA) in order to compensate these employees. These potential costs will vary by LEA and be dependent on its specific compensation schedule.

Based on 2023 data, costs for the approximately 316,374 scores below benchmark in both ELA and math assessments are estimated to total \$30 M. The cost required to support the tutoring in subsequent years is indeterminable but is expected to decrease as improvements in student proficiency are realized responsively to the tutoring provided.

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

Act 4 of the 2024 RS included a \$30 M appropriation to support the provision of tutoring services in public schools. Based on student data, each school system was notified of the amount of the appropriation it is eligible to receive. Systems will submit to the Department of Education (LDOE), by 9/15/24, a plan and supporting budget to provide expanded academic support to eligible students. Upon approval of the plan, the funds will be released to systems for use in providing tutoring during the school day.

**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?

School systems will receive an amount of funds to support delivery of tutoring services during the school day.

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	INCREASE	INCREASE	INCREASE
<b>TOTAL</b>	<b>INCREASE</b>	<b>INCREASE</b>	<b>INCREASE</b>

\*Specify the particular fund being impacted.

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.

Act 4 of the 2024 RS included a \$30 M appropriation to support the provision of tutoring services in public schools. Based on student data, each school system was notified of the amount of the appropriation it is eligible to receive. Systems will submit to the Department of Education (LDOE), by 9/15/24, a plan and supporting budget to provide expanded academic support to eligible students. Upon approval of the plan, the funds will be released to systems for use in providing tutoring during the school day.

**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.

Depending on how each school system designs its plan, tutors, tutoring services, current or retired teachers, or trained paraprofessionals could receive additional compensation in exchange for the provision of tutoring services.

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.

The groups described above could be compensated for the provision of tutoring services; an estimate of these costs is indeterminable and will be dependent on the compensation schedule set by each LEA.

**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.

Additional employment opportunities for tutors, tutoring services, current or retired teachers, or trained paraprofessionals could emerge depending on the demand for tutoring services in a particular region.