

NOTICE OF INTENT
BOARD OF ELEMENTARY AND SECONDARY EDUCATION

Special Education
(LAC 28:LXI.305)
(LAC 28:XLIII.151, 322, 504, 507, 511, 520, 1507, and 1511)
(LAC 28:XCI.101, 103, 107, 109, 111, 309, and 315)
(LAC 28:CV.303, 331, and 332)

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:LXI in *Bulletin 1573 – Complaint Management Procedures*, LAC 28:XLIII in *Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act*, LAC 28:XCI in *Bulletin 1922—Compliance Monitoring Procedures* and LAC 28:CV *Bulletin 741—Louisiana Handbook for School Administrators*. The aforementioned amendments align BESE policy with special education legislation enacted by the 2024 Regular Legislative Session. The revisions adopt requirements for implementation of Act 198: early resolution process, Act 512: IEP scheduling and due process, and Act 689: tutorship. Further updates address recommendations from the Louisiana Legislative Audit on Risk-Based Monitoring and response to public comments received during the Notice of Intent process regarding timelines for special education services.

Title 28
EDUCATION

Part LXI. Bulletin 1573—Complaint Management Procedures

Chapter 3. General Provisions

§305. Filing a Complaint

A. – C. ...

1. a statement that a public agency has violated a requirement of Part B of the Act or of this Part, regardless of whether the violation resulted in a loss of FAPE; and

2. ...

D. The complaint must allege a violation that occurred not more than two years prior to the date that the complaint is received in accordance with §501 of this Part unless a longer period is reasonable because the violation is continuing.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 *et seq.*

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1082 (July 2003), LR 50:489 (April 2024), LR 51:

Part XLIII. Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act

Subpart 1. Students with Disabilities

Chapter 1. State Eligibility

Subchapter J. State Complaint Procedures

§151. Adoption of State Complaint Procedures and Early Resolution Program

A. – C.3. ...

D. A written agreement developed pursuant to the early resolution process is enforceable in any court of competent jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 *et seq.*

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2046 (October 2008), amended LR 36:1499 (July 2010), LR 51:

Chapter 3. Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements

Subchapter D. Individualized Education Programs

§322. Parent Participation

A. – A.1. ...

2. scheduling the meeting at a mutually agreed upon time and place, including postponing an IEP team meeting to a reasonable alternative date when, after receiving notice as required in accordance with this Section, the parent or legal guardian requests such a postponement prior to the properly noticed meeting.

B. – F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 *et seq.*

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2062 (October 2008), LR 51:

Chapter 5. Procedural Safeguards

Subchapter A. Due Process Procedures for Parents and Students

§504. Prior Notice by the Public Agency; Content of Notice

A. Notice. Written notice that meets the requirements of Subsection B of this Section shall be given to the parents of a student with a disability within a reasonable amount of time, and no less than ten days, before the public agency:

1. – D. ...

E. Notice as required in this Section shall be given through one of the following forms of communication:

1. by certified mail with return receipt requested;

2. by electronic mail, if parent or legal guardian provides an electronic mail address;

3. by text message, if the parent or legal guardian provides a mobile phone number for the purposes of receiving text messages;
or

4. through an online portal or other application that provides for documentation of the date of delivery of the notice.

F. All timetables established in this Section are subject to informed waiver by the parent or legal guardian.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2069 (October 2008), LR 51:

§507. Filing a Request for Impartial Due Process Hearing

A. – A.1. ...

2. Prescription. The due process hearing request shall allege a violation that occurred not more than two years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the request for due process hearing, except that the exceptions to the timeline described in §511.G of this Chapter apply to the timeline in this Section.

B. – B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2071 (October 2008), LR 51:

§511. Impartial Due Process Hearing and Hearing Officer Appointments

A. – E. ...

F. Timeline for Requesting a Hearing. A parent or agency shall request an impartial hearing on their request for due process hearing within two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the request for due process hearing.

G. – J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2072 (October 2008), amended LR 38:2367 (September 2012), LR 51:

§520. Transfer of Parental Rights at the Age of Majority

A. – B.3. ...

C. Each LEA shall adopt a written policy requiring each school under its jurisdiction to provide written information to parents regarding legal procedures affecting the transfer of individual rights from parent to child when the child attains the age of majority, including but not limited to supported decision making, power of attorney, continuing or permanent tutorship, and limited to full interdiction.

1. The LDOE shall develop the information and provide such to each LEA for this purpose.

2. The information shall be provided at the first IEP meeting of the school year for a student who is fourteen to seventeen years old and participates in alternate assessment in accordance with R.S. 17:24.4(F)(3) or an alternate pathway to promotion in accordance with R.S. 17:24.4(H).

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2076 (October 2008), LR 51:

Subpart 2. Regulations for Gifted/Talented Students

Chapter 15 Procedural Safeguards

§1507. Filing a Request for Impartial Due Process Hearing

A. – A.1. ...

2. Prescription. The due process hearing request shall allege a violation that occurred not more than two years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the request for due process hearing, except that the exceptions to the timeline described in §1511.G of this Chapter apply to the timeline in this Section.

B. – B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2021 (September 2010), LR 51:

§1511. Impartial Due Process Hearing and Hearing Officer Appointments

A. – E. ...

F. Timeline for Requesting a Hearing. A parent or agency shall request an impartial hearing on their request for due process hearing within two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the request for due process hearing.

G. – H.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2023 (September 2010), amended LR 46:181 (February 2020). LR 51:

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 3. Operation and Administration

§303. General Powers of Local Educational Governing Authorities

A. – B. ...

1. Each member of a city or parish school board shall receive a minimum of six hours of training and instruction annually in the school laws of this state, in the laws governing the school boards, and in educational trends, research, and policy. Such training shall also include education policy issues, including but not limited to the Minimum Foundation Program (MFP) and formula, literacy and numeracy, leadership development, dropout prevention, career and technical education, redesigning high schools, early childhood education, special education, school discipline, and harassment, intimidation, and bullying. Training shall also include instruction in Louisiana Open Meeting Law and the Louisiana public bid law. In an LEA that has one or more schools identified as

an academically unacceptable school or a school in need of academic assistance as defined by BESE, at least two of the required hours shall focus on the improvement of schools identified as failing schools as defined by BESE.

2. – M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:53, R.S. 17:54, R.S. 17:81, 17:81.2, and 17:81.4-8, R.S. 17:100.2, and R.S. 17:151.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1257 (June 2005), amended LR 35:1474 (August 2009), LR 35:1876 (September 2009), LR 37:1136 (April 2011), LR 39:2195 (August 2013), LR 51:

§331. Special Education Programs

A. – D.2. ...

E. Special Education Advisory Council (SEAC). Each local public school superintendent and the administrative head of each charter school or other public school shall create a special education advisory council to provide advice and feedback regarding special education policies, procedures, and resources. The council shall also engage in outreach activities to the community at large to increase the level of knowledge, support, and collaboration with respect to special education.

1. Membership. The number of council members and composition of the council shall be determined by the local public school superintendent or the administrative head of each charter school and shall be composed as follows:

a. At least fifty percent of the membership shall be parents or legal guardians of students with an exceptionality, other than gifted and talented, who are enrolled in a school under the jurisdiction of or who are receiving special education services from the local education authority (LEA), none of whom shall be employees of the LEA. One high school student with an exceptionality, other than gifted and talented, and one person who represents an entity that serves students with disabilities or families of students with disabilities and who is not an employee of the LEA may be counted to meet this requirement.

b. At least one member shall be a teacher, principal, or paraprofessional who serves students with disabilities and who works in a school under the jurisdiction of the LEA.

c. At least ten percent of the membership shall be special education stakeholders who are not represented by council members selected under Subparagraphs a. or b. of this Paragraph.

d. The superintendent or administrative head of a charter school shall seek applications for council membership from parents of students with an exceptionality, other than gifted and talented, teachers, principals, paraprofessionals, and other stakeholders.

e. An effort shall be made in the selection of council members to include representation of parents of students in elementary, middle, and high school.

2. A council should be composed of at least eight members. If a council has fewer than eight members, the superintendent or administrative head of a charter school shall provide an explanation of the decision to establish a council with fewer than eight members. The explanation shall be provided to the council, and the council shall include it as an addendum to the annual report submitted to LDOE.

3. The superintendent or administrative head of a charter school shall designate the chairperson of the council. The chairperson shall call the council meetings, preside over the meetings, and establish the agenda for the meetings. The SEAC shall meet at least three times per year.

4. The superintendent or administrative head of a charter school shall provide an annual report to the SEAC which shall, at a minimum, include the following information regarding the school system or school:

- a. special education financial data, including federal, state, and local funding;
- b. subgroup academic data on students receiving special education and related services; and
- c. compliance violations relative to special education requirements.

5. The SEAC shall submit a written report regarding its activities to the local superintendent or administrative head of a charter school and the Special Education Advisory Panel (SEAP) in May of each year. The report shall be posted on the LEA website, submitted to LDOE, and posted on the LDOE website.

6. There shall be no liability or cause of action against an LEA or any officer or employee thereof for any action taken by members of the council.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005), amended LR 39:2197 (August 2013), LR 51:

§332. Installation and Operation of Cameras in Certain Special Education Settings

A. – E.1. ...

2. Upon receipt of such funds, grants, donations, or nonmonetary resources, the governing authority shall install and operate the cameras within 90 days according to the policies adopted pursuant to this section.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1948.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:34 (January 2023), LR 51:

Title 28

EDUCATION

Part XCI. Bulletin 1922—Compliance Monitoring Procedures

Chapter 1. Overview

§101. Monitoring

A. Monitoring is an integrated, comprehensive process to ensure a free, appropriate, public education for all children with disabilities and to assess and ensure program effectiveness for all children with disabilities in public schools. This includes students with disabilities, ages three through twenty-one.

B. The integrated monitoring system for Louisiana, through the analysis of various quantitative and qualitative data, will focus state resources on improving educational program outcomes for students with disabilities through a comprehensive, data-based

process. Annually, the Louisiana Department of Education (LDOE) will select a list of specific variables and performance indicators for comparative purposes for all local educational agencies providing services to children with disabilities. This list is may-be a combination of federally-required indicators, the required areas in §111 of this Part, state performance indicators or goal areas.

C. – D.3. ...

4. At least once within a six-year period based on the duration of the State Performance Plan/Annual Performance Report (SPP/APR), LEAs will receive monitoring activities. LDOE may impose more frequent or targeted monitoring as determined necessary.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:414 (March 2004), amended LR 31:3104 (December 2005), LR 37:3216 (November 2011), LR 43:516 (March 2017), LR 51:

§103. Authority

A. – F. ...

G. Uniform Grant Guidance (UGG).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:415 (March 2004), amended LR 37:3216 (November 2011), LR 51:

§107. Corrective Action and Sanctions

A. The LDOE has the responsibility to monitor all public educational agencies with programs for children with disabilities ages three through twenty-one within the state for compliance with applicable state and federal laws, regulations, and standards.

B. ...

C. LDOE determines the need for a corrective action plan (CAP) to address findings of non-compliance on an individual LEA case-by-case basis. If the LDOE requires a CAP as a result of risk-based monitoring activities, it will be developed in collaboration with the LDOE following the LEA's receipt of the LDOE's monitoring report. The CAP shall be submitted for approval to the LDOE within 35 business days of receipt of the monitoring report. However, upon receipt of the report, the LEA shall immediately begin correcting the findings of non-compliance documented in the report. The plan will address the activities the LEA will implement to correct the areas of non-compliance identified during the on-site visit as soon as possible, but in no case more than one year from the date of the notification report from the LDOE.

D. The progress toward completing the activities in the plan will be tracked by the LDOE to determine if the timelines are being met and that noncompliance is corrected as soon as possible, but not later than one year after receiving written notification from LDOE. LEAs will submit evidence and data as requested by the LDOE to show completion of activities and evidence of change in the LEA as a result of the corrective action plan. Based on a review of submitted evidence, the LDOE will decide whether the LEA has met compliance requirements or determine whether a follow-up, on-site visit must be conducted to determine if the LEA has made systemic changes and changes to address any student-specific noncompliance to correct the noncompliance addressed in the corrective action plan.

E. – F.5.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:415 (March 2004), amended LR 31:3105 (December 2005), LR 32:1839 (October 2006), LR 37:3216 (November 2011), LR 43:517 (March 2017), LR 50:680 (May 2024), LR 51:

§109. Components of the Continuous Improvement Monitoring Process

A. The monitoring system will be implemented as a process that includes various components. This process will be comprehensive and continuous to include the use of various data sources. The monitoring system will be an ongoing process through the use of different components, rather than a primarily cyclical process occurring on a scheduled basis.

B. – B.2. ...

3. Review complaint management logs and due process hearing decisions regarding specific complaints in an individual LEA.

4. – 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:418 (March 2004), amended LR 31:3107 (December 2005), LR 32:1840 (October 2006), LR 37:3217 (November 2011), LR 43:517 (March 2017), LR 51:

§111. Purpose

A. The LDOE has the responsibility to ensure that each participating agency in the state is in compliance with all applicable federal and state laws, regulations, and standards required for the provision of a free and appropriate public education for all children with disabilities ages three through twenty-one for whom each is legally responsible. To fulfill this responsibility, the LDOE has established a purpose for conducting monitoring, as well as procedures and strategies that provide ongoing monitoring activities. The procedures provide continuous and comprehensive monitoring of all aspects of special education including the following:

1. – 3. ...

4. the provision of FAPE in the LRE including program, services, and placement implementation for students with disabilities three through twenty-one years of age; including transition from Part C by the child's third birthday;

5. professional development;

6. fiscal requirements relative to programmatic issues of local educational agencies; and

7. the use of resolution meetings and mediation.

B. – C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:416 (March 2004), amended LR 31:3106 (December 2005), LR 37:3217 (November 2011), LR 51:

Chapter 3. Operational Procedures for Compliance Monitoring

§309. Activities Conducted Prior to the On-Site Visit

- A. – A.1. ...
- 2. LEA Application for IDEA Part B funds and end-of-year financial reports;
- 3. – 8. ...
- 9. information relative to certifications and professional development activities provided to personnel and parents;
- 10. any other data the LDOE determines is necessary to review as part of a comprehensive data review of the LEA; and
- 11. LEA policies and procedures.
- B. – C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:418 (March 2004), amended LR 31:3107 (December 2005), LR 37:3218 (November 2011), LR 51:

§315. Validation of Corrective Action

- A. – C. ...
- D. The LDOE will conduct, when necessary, an on-site visit in the year following the initial on-site visit, or sooner if deemed necessary by the LDOE, to validate the documentation of the implementation of the corrective action and to validate systemic change of areas of non-compliance. Validation of correction requires verification that the LEA has corrected each individual case of noncompliance and the LEA is correctly implementing the specific regulatory requirement based upon updated data with one hundred percent compliance.
- E. The LDOE will notify the LEA in writing when all corrective action has been accepted as completed.
- F. Noncompliance beyond one year will be considered long-standing noncompliance and additional enforcement actions may be taken in accordance with §107 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:419 (March 2004), amended LR 31:3108 (December 2005), LR 37:3219 (November 2011), LR 51:

COMPARISON DOCUMENT

TITLE 28

EDUCATION

Part LXI. Bulletin 1573—Complaint Management Procedures

Chapter 3. General Provisions

§305. Filing a Complaint

- A. – C. ...
- 1. a statement that a public agency has violated a requirement of Part B of the Act or of this Part, regardless of whether the violation resulted in a loss of FAPE; and
- 2. ...
- D. The complaint must allege a violation that occurred not more than two years one year prior to the date that the complaint is received in accordance with §501 of this Part 300.660(a) unless a longer period is reasonable because the violation is continuing, ~~or the complainant is requesting compensatory services for a violation that occurred not more than three years prior to the date the complaint is received under §300.660(a).~~
- E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1082 (July 2003), LR 50:489 (April 2024), LR 51:

Part XLIII. Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act

Subpart 1. Students with Disabilities

Chapter 1. State Eligibility

Subchapter J. State Complaint Procedures

§151. Adoption of State Complaint Procedures and Early Resolution Program

- A. – C.3. ...
- D. A written agreement developed pursuant to the early resolution process is enforceable in any court of competent jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

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§322. Parent Participation

- A. – A.1. ...
- 2. scheduling the meeting at a mutually agreed upon time and place, including postponing an IEP team meeting to a reasonable alternative date when, after receiving notice as required in accordance with this Section, the parent or legal guardian requests such a postponement prior to the properly noticed meeting.
- B. – F. ...

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2062 (October 2008), LR 51:

Chapter 5. Procedural Safeguards

Subchapter A. Due Process Procedures for Parents and Students

§504. Prior Notice by the Public Agency; Content of Notice

A. Notice. Written notice that meets the requirements of Subsection B of this Section shall be given to the parents of a student with a disability within a reasonable amount of time, and no less than ~~ten~~ fifteen business days, before the public agency:

1. – D. ...

E. Notice as required in this Section shall be given through one of the following forms of communication:

1. by certified mail with return receipt requested;

2. by electronic mail, if parent or legal guardian provides an electronic mail address;

3. by text message, if the parent or legal guardian provides a mobile phone number for the purposes of receiving text messages;

or

4. through an online portal or other application that provides for documentation of the date of delivery of the notice.

F. All timetables established in this Section are subject to informed waiver by the parent or legal guardian.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2069 (October 2008), LR 51:

§507. Filing a Request for Impartial Due Process Hearing

A. – A.1. ...

2. Prescription. The due process hearing request shall allege a violation that occurred not more than ~~one~~ two years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the request for due process hearing, except that the exceptions to the timeline described in §511.G of this Chapter apply to the timeline in this Section.

B. – B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2071 (October 2008), LR 51:

§511. Impartial Due Process Hearing and Hearing Officer Appointments

A. – E. ...

F. Timeline for Requesting a Hearing. A parent or agency shall request an impartial hearing on their request for due process hearing within ~~one~~ two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the request for due process hearing.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

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§520. Transfer of Parental Rights at the Age of Majority

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C. Each LEA shall adopt a written policy requiring each school under its jurisdiction to provide written information to parents regarding legal procedures affecting the transfer of individual rights from parent to child when the child attains the age of majority, including but not limited to supported decision making, power of attorney, continuing or permanent tutorship, and limited to full interdiction.

1. The LDOE shall develop the information and provide such to each LEA for this purpose.

2. The information shall be provided at the first IEP meeting of the school year for a student who is fourteen to seventeen years old and participates in alternate assessment in accordance with R.S. 17:24.4(F)(3) or an alternate pathway to promotion in accordance with R.S. 17:24.4(H).

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B. – B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2021 (September 2010), LR 51:

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F. Timeline for Requesting a Hearing. A parent or agency shall request an impartial hearing on their request for due process hearing within ~~one~~ two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the request for due process hearing.

G. – H.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:1941 et seq.

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Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

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A. – B.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:53, R.S. 17:54, R.S. 17:81, 17:81.2, and 17:81.4-8, R.S. 17:100.2, and R.S. 17:151.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1257 (June 2005), amended LR 35:1474 (August 2009), LR 35:1876 (September 2009), LR 37:1136 (April 2011), LR 39:2195 (August 2013), LR 51:

§331. Special Education Programs

A. – D.2.

E. Special Education Advisory Council (SEAC). Each local public school superintendent and the administrative head of each charter school or other public school shall create a special education advisory council to provide advice and feedback regarding special education policies, procedures, and resources. The council shall also engage in outreach activities to the community at large to increase the level of knowledge, support, and collaboration with respect to special education.

1. Membership. The number of council members and composition of the council shall be determined by the local public school superintendent or the administrative head of each charter school and shall be composed as follows:

a. At least fifty percent of the membership shall be parents or legal guardians of students with an exceptionality, other than gifted and talented, who are enrolled in a school under the jurisdiction of or who are receiving special education services from the local education authority (LEA), none of whom shall be employees of the LEA. One high school student with an exceptionality, other than gifted and talented, and one person who represents an entity that serves students with disabilities or families of students with disabilities and who is not an employee of the LEA may be counted to meet this requirement.

b. At least one member shall be a teacher, principal, or paraprofessional who serves students with disabilities and who works in a school under the jurisdiction of the LEA.

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2. A council should be composed of at least eight members. If a council has fewer than eight members, the superintendent or administrative head of a charter school shall provide an explanation of the decision to establish a council with fewer than eight members. The explanation shall be provided to the council, and the council shall include it as an addendum to the annual report submitted to LDOE.

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a. special education financial data, including federal, state, and local funding;

b. subgroup academic data on students receiving special education and related services; and

c. compliance violations relative to special education requirements.

5. The SEAC shall submit a written report regarding its activities to the local superintendent or administrative head of a charter school and the Special Education Advisory Panel (SEAP) in May of each year. The report shall be posted on the LEA website, submitted to LDOE, and posted on the LDOE website.

6. There shall be no liability or cause of action against an LEA or any officer or employee thereof for any action taken by members of the council.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005), amended LR 39:2197 (August 2013), LR 51:

§332. Installation and Operation of Cameras in Certain Special Education Settings

A. – E.1.

2. Upon receipt of such funds, grants, donations, or nonmonetary resources, the governing authority shall install and operate the cameras within 90 days according to the policies adopted pursuant to this section.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1948.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:34 (January 2023), LR 51:

Title 28

EDUCATION

Part XCI. Bulletin 1922—Compliance Monitoring Procedures

Chapter 1. Overview

§101. Monitoring

A. Monitoring is a an integrated, comprehensive process to ensure a free, appropriate, public education for all children with disabilities and to assess and ensure program effectiveness for all children with disabilities in public schools. This includes students with disabilities, ages three through twenty-one 3-21.

B. The integrated monitoring system for Louisiana, through the analysis of various quantitative and qualitative data, will focus state resources on improving educational program outcomes for students with disabilities through a comprehensive, data-based process. Annually, the Louisiana Department of Education (LDOE) will select a list of specific variables and performance indicators for comparative purposes for all local educational agencies providing services to children with disabilities. This list is ~~may be~~ a combination of federally-required indicators, the required areas in §111 of this Part, state performance indicators or goal areas.

C. – D.3. ...

4. At least once within a six-year period based on the duration of the State Performance Plan/Annual Performance Report (SPP/APR), LEAs will receive monitoring activities. LDOE may impose more frequent or targeted monitoring as determined necessary.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:414 (March 2004), amended LR 31:3104 (December 2005), LR 37:3216 (November 2011), LR 43:516 (March 2017), LR 51:

§103. Authority

A. – F. ...

G. Uniform Grant Guidance (UGG).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:415 (March 2004), amended LR 37:3216 (November 2011), LR 51:

§107. Corrective Action and Sanctions

A. The LDOE has the responsibility to monitor all public educational agencies with programs for children with disabilities ages three through twenty-one within the state for compliance with applicable state and federal laws, regulations, and standards.

B. ...

C. LDOE determines the need for a corrective action plan (CAP) to address findings of non-compliance on an individual LEA case-by-case basis. If the LDOE requires a CAP as a result of risk-based monitoring activities, it will be developed in collaboration with the LDOE following the LEA's receipt of the LDOE's monitoring report. The CAP shall be submitted for approval to the LDOE within 35 business days of receipt of the monitoring report. However, upon receipt of the report, the LEA shall immediately begin correcting the findings of non-compliance documented in the report. The plan will address the activities the LEA will implement to correct the areas of non-compliance identified during the on-site visit as soon as possible, but in no case more than one year from the date of the notification report from the LDOE.

D. The progress toward completing the activities in the plan will be tracked by the LDOE to determine if the timelines are being met and that noncompliance is corrected as soon as possible, but not later than one year after receiving written notification from LDOE. LEAs will submit evidence and data as requested by the LDOE to show completion of activities and evidence of change in the LEA as a result of the corrective action plan. Based on a review of submitted evidence, the LDOE will decide whether the LEA has met compliance requirements or determine whether a follow-up, on-site visit must be conducted to determine if the LEA has made systemic changes and changes to address any student-specific noncompliance to correct the noncompliance addressed in the corrective action plan.

E. – F.5.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:415 (March 2004), amended LR 31:3105 (December 2005), LR 32:1839 (October 2006), LR 37:3216 (November 2011), LR 43:517 (March 2017), LR 50:680 (May 2024), LR 51:

§109. Components of the Continuous Improvement Monitoring Process

A. The monitoring system will be implemented as a process that includes various components. This process will be comprehensive and continuous to include the use of various data sources. The monitoring system will be an ongoing process through the use of different components, rather than a primarily cyclical process occurring on a scheduled basis.

B. – B.2. ...

3. Review complaint management logs and due process hearing decisions regarding specific complaints in an individual LEA.

4. – 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:418 (March 2004), amended LR 31:3107 (December 2005), LR 32:1840 (October 2006), LR 37:3217 (November 2011), LR 43:517 (March 2017), LR 51:

§111. Purpose

A. The LDOE has the responsibility to ensure that each participating agency in the state is in compliance with all applicable federal and state laws, regulations, and standards required for the provision of a free and appropriate public education for all children with disabilities ages three through twenty-one for whom each is legally responsible. To fulfill this responsibility, the LDOE has established a purpose for conducting monitoring, as well as procedures and strategies that provide ongoing monitoring activities. The procedures provide continuous and comprehensive monitoring of all aspects of special education including the following:

1. – 3. ...

- 4. the provision of FAPE in the LRE including program, services, and placement implementation for students with disabilities three through twenty-one years of age; including transition from Part C by the child's third birthday;
- 5. professional development; and
- 6. fiscal requirements relative to programmatic issues of local educational agencies; and
- 7. the use of resolution meetings and mediation.

B. – C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:416 (March 2004), amended LR 31:3106 (December 2005), LR 37:3217 (November 2011), LR 51:

Chapter 3. Operational Procedures for Compliance Monitoring

§309. Activities Conducted Prior to the On-Site Visit

A. – A.1. ...

- 2. LEA Application for IDEA Part B funds and end-of-year financial reports;
- 3. – 8. ...
- 9. information relative to certifications and professional development activities provided to personnel and parents; and
- 10. any other data the LDOE determines is necessary to review as part of a comprehensive data review of the LEA; and
- 11. LEA policies and procedures.

B. – C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:418 (March 2004), amended LR 31:3107 (December 2005), LR 37:3218 (November 2011), LR 51:

§315. Validation of Corrective Action

A. – C. ...

D. The LDOE will conduct, when necessary, an on-site visit in the year following the initial on-site visit, or sooner if deemed necessary by the LDOE, to validate the documentation of the implementation of the corrective action and to validate systemic change of areas of non-compliance. Validation of correction requires verification that the LEA has corrected each individual case of noncompliance and the LEA is correctly implementing the specific regulatory requirement based upon updated data with one hundred percent compliance.

E. The LDOE will notify the LEA in writing when all corrective action has been accepted as completed.

F. Noncompliance beyond one year will be considered long-standing noncompliance and additional enforcement actions may be taken in accordance with §107 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1944.

HISTORICAL NOTE: Promulgated by the State Board of Elementary and Secondary Education, LR 30:419 (March 2004), amended LR 31:3108 (December 2005), LR 37:3219 (November 2011), 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 LXI. Bulletin 1573 – Complaint Management Procedures (LAC 28:LXI.305); Part XLIII. Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act (LAC 28: XLIII.151, 322, 504, 507, 511, 520, 1507, and 1511); Part XCI. Bulletin 1922—Compliance Monitoring Procedures (LAC 28: XCI.101, 103, 107, 109, 111, 309, and 315); and Part CXV. Bulletin 741—Louisiana Handbook for School Administrators (LAC 28: CXV.303, 331, and 332)
Rule Title: Handbook for School Administrators (LAC 28: CXV.303, 331, and 332)

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: Ashley Townsend
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 LXI. Bulletin 1573 – Complaint Management Procedures (LAC 28:LXI.305); Part XLIII. Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act (LAC 28: XLIII.151, 322, 504, 507, 511, 520, 1507, and 1511); Part XCI. Bulletin 1922—Compliance Monitoring Procedures (LAC 28: XCI.101, 103, 107, 109, 111, 309, and 315); and Part CXV. Bulletin 741—Louisiana Handbook for School Administrators (LAC 28: CXV.303, 331, and 332)
Rule Title: Handbook for School Administrators (LAC 28: CXV.303, 331, and 332)

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

PLEASE RESPOND (YES, NO, OR LACKS SUFFICIENT INFORMATION TO DETERMINE) TO THE FOLLOWING:

1. Will the proposed Rule affect the household income, assets, and financial authority? No
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No
3. Will the proposed Rule affect employment and workforce development? No
4. Will the proposed Rule affect taxes and tax credits? No
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No

Signature of Contact Person: Ashley Townsend
Date Submitted: 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**

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 LXI. <i>Bulletin 1573 – Complaint Management Procedures</i> (LAC 28:LXI.305); Part XLIII. <i>Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act</i> (LAC 28: XLIII.151, 322, 504, 507, 511, 520, 1507, and 1511); Part XCI. <i>Bulletin 1922—Compliance Monitoring Procedures</i> (LAC 28: XCI.101, 103, 107, 109, 111, 309, and 315); and Part CXV. <i>Bulletin 741 – Louisiana Handbook for School Administrators</i> (LAC 28: CXV.303, 331, and 332)</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 anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change aligns Board of Elementary and Secondary Education (BESE) policy with the following Acts of the 2024 RS. Act 198: early resolution process, Act 512: Individual Education Plan (IEP) scheduling and due process, and Act 689: tutorship. Further changes address recommendations from the Louisiana Legislative Audit on Risk-Based Monitoring and include updates in response to public comments received during the Notice of Intent process regarding timelines for special education services.

The proposed revisions codify shifts being made to Department of Education (LDOE) processes for monitoring and dispute resolution, and will not result in additional costs. The tutorship information to be distributed is being incorporated into the parent handbook given at IEP meetings.

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

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

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Beth Scioneaux
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

Patrice Thomas
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:LXI. *Bulletin 1573 - Complaint Management Procedures*, LAC 28:XLIII. *Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act*, LAC 28:XCL. *Bulletin 1922—Compliance Monitoring Procedures*, and LAC 28: CXV *Bulletin 741—Louisiana Handbook for School Administrators*. The proposed revisions codify shifts being made to LDOE processes for monitoring and dispute resolution, require distribution of tutorship information, set a number of days by which cameras in special education classrooms must be installed upon parent request, required training for school board members to include information regarding special education, and specify information that must be given to local special education advisory councils by local school system leadership.

- 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 special education legislation enacted in the 2024 RS. The changes adopt requirements for implementation of Act 198: early resolution process, Act 512: IEP scheduling and due process, and Act 689: tutorship. Updates further address recommendations from the June 2024 Louisiana Legislative Audit on Risk-Based Monitoring and include updates in response to public comments received during the Notice of Intent process regarding timelines for special education services.

- 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 is not expected to result in an increase in the expenditure of funds.

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

(a) _____ YES. If yes, attach documentation.

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

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

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

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

The proposed rule change will have no effect on costs or savings to state agencies.

COSTS	FY 25	FY 26	FY 27
PERSONAL SERVICES	\$0	\$0	\$0
OPERATING EXPENSES	\$0	\$0	\$0
PROFESSIONAL SERVICES	\$0	\$0	\$0
OTHER CHARGES	\$0	\$0	\$0
EQUIPMENT	\$0	\$0	\$0
MAJOR REPAIR & CONSTR.	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0
POSITIONS (#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

Not applicable.

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

Not applicable.

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

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Not applicable.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There are no anticipated impacts to local governmental units as a result of the proposed rule change.

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

Not applicable.

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?

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

REVENUE INCREASE/DECREASE	FY 25	FY 26	FY 27
STATE GENERAL FUND	\$0	\$0	\$0
AGENCY SELF-GENERATED	\$0	\$0	\$0
DEDICATED	\$0	\$0	\$0
FEDERAL FUNDS	\$0	\$0	\$0
LOCAL FUNDS	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0

*Specify the particular fund being impacted.

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

Not applicable.

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

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

The proposed rule change will not result in costs or economic benefits to directly affected persons, small businesses, or nongovernmental groups.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

Not applicable.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

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

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

