

NOTICE OF INTENT
BOARD OF ELEMENTARY AND SECONDARY EDUCATION

Advisory Groups and Remote Participation
(LAC 28:I.503, 505, and 507)
(LAC 28:LXV.109)
(LAC 28:XI.103)
(LAC 28:CLXVII.1101)
(LAC 28:CXV.1319)

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:I in *BESE/8(g) Operations*, LAC 28:LXV in *Bulletin 106—Agriculture Education Content Standards Curriculum Framework*, LAC 28:XI in *Bulletin 111—The Louisiana School, District, and State Accountability System*, LAC 28:CLXVII *Bulletin 140—Louisiana Early Childhood Care and Education Network*, and LAC 28:CXV *Bulletin 741—Louisiana Handbook for School Administrators*. The proposed amendments align BESE policy with Act 393 of the 2023 Regular Legislative Session. The revisions adopt requirements to provide accommodations, upon request, to persons with disabilities to facilitate participation in advisory group meetings. Further amendments revise policy regarding LDOE and BESE advisory group membership and meetings.

Title 28
EDUCATION

Part I. BESE/8(g) Operations

Chapter 5. Organization

§503. Advisory Councils

- A. – C.2.c.ii. ...
- 3. Superintendents' advisory council:
 - a. ...
 - b. membership—23 members as follows:
 - i. – F.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:6(A)(15), 17:11, 17:24.4, and 42:19.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:416 (March 2008), amended LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2140 (July 2011), LR 38:772 (March 2012), LR 38:3152 (December 2012), LR 39:3263 (December 2013), LR 42:563 (April 2016), LR 44:744 (April 2018), LR 44:1995 (November 2018), LR 45:1444 (October 2019), LR 48:412 (March 2022); LR 48:2086 (August 2022), LR 51:

§505. Special Advisory Councils/Task Forces/Commissions/Study Groups

A. ...

1. MFP Task Force. The Task Force will be convened upon, annually and/or as needed, by the BESE chair of the Board Administration and Education Finance Committee and BESE President in order to advise BESE in the development of the MFP formula as it applies to the distribution of funding of public schools.

- a. authority—per BESE policy;
- b. membership—29 28 members consisting of the following:
 - i. eight ex-officio representatives as follows:
 - (a). Board Administration and Education Finance Committee chair (serves as task force chair);
 - (b). four Board Administration and Education Finance Committee members;
 - (c). – ii.(d). ...
 - iii. ten designated representatives as follows:
 - (a). – (i). ...
 - (j). Repealed.
 - (k). – iv.(e). ...
 - (f). two public school parents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:6(A)(15), 17:11, 17:24.4, and 42:19.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2086 (August 2022), LR 51:

§507. Open Meetings Participation via Electronic Means

- A. BESE is an agency identified in R.S. 42:17.2(I) to which open meetings via electronic means shall not apply.
- B. Public notice for a meeting shall include the contact information of the agency representative to whom a disability accommodation request may be submitted.
- C. Where the capability exists, remote participation via electronic means shall be teleconference or video conference. BESE and LDOE shall provide for participation via electronic means or by email on an individualized basis to persons with disabilities recognized by the Americans with Disabilities Act.
- D. Public Participants. Members of the public with a disability recognized by the Americans with Disabilities Act or a designated caregiver of such a person may request remote participation for any meeting held by BESE or LDOE.
- E. Membership Participants. A member of BESE or any advisory group who has a disability recognized by the Americans with Disabilities Act shall be allowed to participate and vote in a meeting via electronic means.

1. The presiding officer of any advisory group shall be present and shall preside over the meeting in person at the physical location at which the meeting is held.
2. Members participating in a meeting via electronic means shall be counted for the purpose of establishing a quorum and may vote.
3. Members who participate in a meeting via electronic means are not eligible to receive per diem.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:11, R.S. 17:24.4, R.S. 42:17.2.1, R.S. 42:14, and R.S. 42:19.
 HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Part LXV. Bulletin 106—Agriculture Education Content Standards Curriculum Framework
§109. Agricultural Education Commission

- A. – B. Repealed.
- C. – D.1 ...
2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent the appointed term.
 3. ...
 4. Proxy. Any person serving on AEC who cannot attend a scheduled meeting may designate a person to attend as the member proxy.
 5. Quorum. Unless otherwise provided, a quorum is a simple majority of the total membership. When known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified and the meeting may be canceled.
 6. – 8. ...
 - a. Appointed members are expected to attend all scheduled meetings of an advisory body. A commission member shall be removed and the seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the appointing organization or agency represented, or resigns.
 - b. – b.iii. Repealed.
- E. – F. ...
1. The AEC shall meet as scheduled in order to consider referrals from the board or the LDOE.
 2. Regular meeting dates shall be scheduled to convene one year in advance. The commission shall schedule meetings upon the call of the chairperson, but not less than once quarterly.
 3. Agendas of regularly scheduled commission meetings shall be distributed to the members by the LDOE staff at least 7 calendar days in advance of a meeting. All meetings shall be conducted in accordance with Louisiana open meetings law R.S. 42:11 et seq. In the event that no items have been referred for consideration, there are no items pending, and the LDOE has no items to bring forward to the commission at least 10 days prior to a scheduled meeting, the meeting shall be cancelled, and the members shall be notified of the cancellation.
 4. ...
 5. Except where listed herein, the business shall be conducted in accordance with *Robert's Rules of Order*.
 6. – 8. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.
 HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2088 (August 2022), LR 51:

Part XI. Accountability/Testing
Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System
Chapter 1. General Provisions
§103. Accountability Council (formerly Accountability Commission)

- A. – B. Repealed.
- C. Accountability Council (Formerly the Accountability Commission) Established.
1. – 2.c.iii. ...
 - d. The majority of the Accountability Council (AC) membership must be representatives of local educational agencies and shall consist of no fewer than nineteen voting members, all subject to approval or ratification of the board, as follows:
 - i. – D. ...
 1. Terms. Unless otherwise provided by state or federal law, persons appointed by board members shall serve at the pleasure of the recommending authority. Persons appointed by organizations and agencies other than BESE shall serve terms determined by the appointing authority and ratified by the board. A council member may be removed without cause by the appointing authority at any time. Appointees must maintain employment and qualifications appropriate to the organizational category represented. Upon retirement, employment in a different capacity, or otherwise failure to maintain eligibility requirements, the member shall become ineligible to continue to serve and shall be replaced.
 2.
 3. Repealed.
 4. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as proxy.
 5. Quorum. Unless otherwise provided, a quorum is a simple majority of the total membership. When known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified, and the meeting may be canceled.
 6. – 8. ...

a. Appointed members are expected to attend all scheduled meetings of an advisory body. A council member shall be removed and the seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the appointing organization or agency represented, or resigns.

b. – b.iii. Repealed.

E. Chair

1. The AC shall have one Chairperson appointed by the State Superintendent of Education and ratified by the Board.

2. The appointed Chair shall preside at all meetings of the AC, shall perform such duties as may be required by the council, and shall be a nonvoting member.

F. Meetings

1. The council shall meet as scheduled in order to consider referrals from the board or the LDOE.

2. Regular meeting dates shall be scheduled one year in advance.

3. Agendas of regularly scheduled council meetings shall be distributed to council members by the LDOE staff at least seven calendar days in advance of a meeting. All council meetings shall be conducted in accordance with Louisiana open meetings law R.S. 42:11 et seq. In the event that no items have been referred for consideration, there are no items pending, and the LDOE has no items to bring forward to the council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled, and the members shall be notified of the cancellation.

4. – 5. ...

6. – 9. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2090 (August 2022), LR 51:

Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network

Chapter 11. Early Childhood Care and Education Advisory Council

§1101. Early Childhood Care and Education Advisory Council

A. Functions.

1. – D. ...

1. Terms. Members shall serve a term of three years at the pleasure of the appointing authority. Persons appointed by organizations and agencies other than BESE shall be ratified by the board. A council member may be removed without cause by the recommending agency at any time. Appointees must maintain employment and qualifications appropriate to the organizational category being represented. Once a member retires, becomes employed in a different capacity, or otherwise fails to maintain eligibility, the member shall become ineligible to continue to serve and shall be replaced.

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent of the term. At the conclusion of a membership term, LDOE and BESE shall publish a request for applications and select nominees for the subsequent term from the pool of applicants.

3. Repealed.

4. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as proxy.

5. Quorum. A quorum is a simple majority of the total membership. When it is known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified, and the meeting may be canceled. Proxies cannot be included for the purpose of establishing a quorum.

6. – 8. ...

a. Appointed members are expected to attend all scheduled meetings of an advisory body. A council member shall be removed and his/her seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the organization or agency appointed to represent, or resigns.

b. – b.iii. Repealed.

E. Chair

1. The council shall have one chair and one vice-chair annually elected by the voting members of the council.

2. The chair shall preside at all meetings of the council and perform such duties as may be required by the council. The elected vice-chair shall serve in the absence of the chair and perform other duties as assigned by the chair.

F. Meetings

1. The council shall meet as scheduled in order to consider referrals from the board or the LDOE.

2. – 5. ...

6. – 8. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1 and R.S. 17:407.51

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2092 (August 2022), LR 51:

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

§1319. Advisory Council on Student Behavior and Discipline

A. – B. Repealed.

C. – C.2.a. ...

b. Members of the council shall annually elect a new chair from among its membership by February 15 of each calendar year.

c. – D.1. ...

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent of the appointed term.

3. Repealed.

4. Proxy. Any person serving on the council who cannot attend a scheduled meeting may designate a person to attend as the proxy.

5. Quorum. Unless otherwise provided, a quorum is a simple majority of the total membership. When known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified and the meeting may be canceled.

6. – 8. ...

a. Appointed members are expected to attend all scheduled meetings of the council. A council member shall be removed and the seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the appointing organization or agency represented, or resigns.

E. Meetings

1. Advisory councils shall meet as scheduled in order to consider referrals from the board or the LDOE.

2. Regular meeting dates shall be scheduled to convene one year in advance. The council shall schedule meetings upon the call of the chairperson, at least three times annually.

3. – 5. ...

6. – 8. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1 and R.S. 17:253.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2096 (August 2022), LR 51:

COMPARISON DOCUMENT

Title 28

EDUCATION

Part I. BESE/8(g) Operations

Chapter 5. Organization

§503. Advisory Councils

A. – C.2.c.ii. ...

3. Superintendents' advisory council:

a. ...

b. membership—~~23~~ 24 members as follows:

i. – F.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:6(A)(15), 17:11, 17:24.4, and 42:19.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:416 (March 2008), amended LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2140 (July 2011), LR 38:772 (March 2012), LR 38:3152 (December 2012), LR 39:3263 (December 2013), LR 42:563 (April 2016), LR 44:744 (April 2018), LR 44:1995 (November 2018), LR 45:1444 (October 2019), LR 48:412 (March 2022); LR 48:2086 (August 2022), LR 51:

§505. Special Advisory Councils/Task Forces/Commissions/Study Groups

A. ...

1. MFP Task Force. The Task Force will be convened upon, annually and/or as needed, by the BESE chair of the Board Administration and Education Finance Committee and BESE President in order to advise BESE in the development of the MFP formula as it applies to the distribution of funding of public schools.

a. authority—per BESE policy;

b. membership—~~29~~ 28 members consisting of the following:

i. eight six ex-officio representatives as follows:

(a). Board Administration and Education Finance Committee ~~AF committee~~ chair (serves as task force chair);

(b). four Board Administration and Education Finance Committee ~~two~~ AF committee members;

(c). – ii.(d). ...

iii. ten eleven designated representatives as follows:

(a). – (i). ...

(j). Repealed.

(k). – iv.(e). ...

(f). two public school parents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:6(A)(15), 17:11, 17:24.4, and 42:19.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2086 (August 2022), LR 51:

§507. Open Meetings Participation via Electronic Means

A. BESE is an agency identified in R.S. 42:17.2(I) to which open meetings via electronic means shall not apply.

B. Public notice for a meeting shall include the contact information of the agency representative to whom a disability accommodation request may be submitted.

C. Where the capability exists, remote participation via electronic means shall be teleconference or video conference. BESE and LDOE shall provide for participation via electronic means or by email on an individualized basis to persons with disabilities recognized by the Americans with Disabilities Act.

D. Public Participants. Members of the public with a disability recognized by the Americans with Disabilities Act or a designated caregiver of such a person may request remote participation for any meeting held by BESE or LDOE.

E. Membership Participants. A member of BESE or any advisory group who has a disability recognized by the Americans with Disabilities Act shall be allowed to participate and vote in a meeting via electronic means.

1. The presiding officer of any advisory group shall be present and shall preside over the meeting in person at the physical location at which the meeting is held.

2. Members participating in a meeting via electronic means shall be counted for the purpose of establishing a quorum and may vote.

3. Members who participate in a meeting via electronic means are not eligible to receive per diem.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:11, R.S. 17:24.4, R.S. 42:17.2.1, R.S. 42:14, and R.S. 42:19.

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

Part LXV. Bulletin 106—Agriculture Education Content Standards Curriculum Framework

§109. Agricultural Education Commission

A – B. Repealed.

C – D.1 ...

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent the appointed term. ~~Appointments to fill temporary vacancies shall be considered interim appointments. Interim appointments may be made by the superintendent of education or the BESE president.~~

3. ...

4. Proxy. Any person serving on AEC ~~an advisory council~~ who cannot attend a scheduled meeting may designate a person to attend as the member proxy, ~~contingent upon the consent of the appointing authority, and the council chair shall be notified.~~

5. Quorum. Unless otherwise provided, a quorum is a simple majority of the total membership. ~~In the absence of a quorum, the advisory council may take unofficial action, but minutes shall indicate that the recommendations are being presented without the required quorum.~~ When known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified and the meeting may be canceled.

6 – 8. ...

a. ~~Appointed members are expected to attend all scheduled meetings of an advisory body. Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the council chair or the LDE staff liaison one week prior to the meeting. A proxy may be named by the appointed member to serve for a total of three meetings. A commission member shall be removed and the seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the appointing organization or agency represented, or resigns. ~~misses more than two meetings, unless excused prior to the meeting by the commission chair.~~~~

b. – b.iii. Repealed.

E – F. ...

1. ~~Advisory councils~~ The AEC shall meet as scheduled in order to consider referrals from the board or the LDOE. ~~Special meetings shall be by direction of the board and emergency meetings may be called at the discretion of the executive director and LDE.~~

2. Regular meeting dates shall be scheduled to convene one year in advance ~~and shall be determined by the executive director, LDE, or a designee of either.~~ The commission shall schedule meetings upon the call of the chairperson, but not less than once quarterly.

3. Agendas of regularly scheduled commission meetings shall be distributed to the members by the LDOE staff at least 7 calendar days in advance of a meeting. All meetings shall be conducted in accordance with Louisiana open meetings law R.S. 42:11 et seq. In the event that no items have been referred to an advisory council for consideration, there are no items pending ~~on an advisory council agenda,~~ and the LDOE has no items to bring forward to the commission advisory council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled, and the members shall be notified of the cancellation.

4. ...

5. Except where listed herein, the business ~~in advisory councils~~ shall be conducted in accordance with *Robert's Rules of Order*.

6 – 8. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2088 (August 2022), LR 51:

Part XI. Accountability/Testing

Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System

Chapter 1. General Provisions

§103. Accountability Council (formerly Accountability Commission)

A – B. Repealed.

C. Accountability ~~Advisory~~ Council (Formerly the Accountability Commission) Established.

1. – 2.c.iii. ...

d. The majority of the Accountability Advisory Council (AAC) membership must be representatives of local educational agencies and shall consist of no fewer than nineteen voting members, all subject to approval or ratification of the board, as follows:

i. – D.

1. Terms. Unless otherwise provided by state or federal law, persons appointed by board members shall serve at the pleasure of the recommending authority. Persons appointed by organizations and agencies other than BESE shall serve terms determined by the appointing authority and ratified by the board. A council member may be removed without cause by the appointing authority at any time. Appointees must maintain employment and qualifications appropriate to the organizational category represented. Upon retirement, employment in a different capacity, or otherwise failure to maintain eligibility requirements, the member shall become ineligible to continue to serve and shall be replaced. ~~In the event that council appointments are defined by term limits, the current council appointee, whose term has expired, may serve as an interim member until a replacement is recommended or approved by the appointing authority, and subsequently ratified by the board.~~

2.

3. Repealed.

4. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as proxy, ~~if the appointing authority does not object, and the council chair shall be notified.~~

5. Quorum. Unless otherwise provided, a quorum is a simple majority of the total membership. ~~In the absence of a quorum, the advisory council may take unofficial action, but minutes submitted to the board shall indicate that the recommendations are being presented without the required quorum.~~ When known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified, and the meeting may be canceled.

6. – 8. ...

a. Appointed members are expected to attend all scheduled meetings of an advisory body. ~~Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the council chair or the executive director one week prior to the meeting. A proxy may be named by the appointed member to serve for a total of three meetings. A council member shall be removed and the seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the appointing organization or agency represented, or resigns, misses more than two meetings, unless excused prior to the meeting by the council chair.~~

b. – b.iii.

Repealed.

E. Chair

1. The AAC shall have one Chairperson appointed by the State Superintendent of Education and ratified by the Board.

2. The appointed Chair shall preside at all meetings of the ACC, shall perform such duties as may be required by the council, and shall be a nonvoting member.

F. Meetings

1. ~~Advisory councils~~ The council shall meet as scheduled in order to consider referrals from the board or the LDOE. ~~Special meetings shall be by direction of the board, and emergency meetings may be called at the discretion of the executive director and LDE.~~

2. Regular meeting dates shall be scheduled one year in advance ~~and shall be determined by the executive director, LDE, or a designee of either.~~

3. Agendas of regularly scheduled council meetings shall be distributed to council members by the LDOE board staff at least seven calendar days in advance of a meeting. All council meetings shall be conducted in accordance with Louisiana open meetings law R.S. 42:11 et seq. In the event that no items have been referred by the board to an advisory council for consideration, there are no items pending on an advisory council agenda, and the LDOE has no items to bring forward to the advisory council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled, and the members shall be notified of the cancellation. ~~Meeting cancellation shall be posted on the BESE website.~~

4. – 5. ...

6. – 9. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2090 (August 2022), LR 51:

Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network

Chapter 11. Early Childhood Care and Education Advisory Council

§1101. Early Childhood Care and Education Advisory Council

A. Functions. ~~The function of an advisory council is to advise the board, directly or through its committees, in the discharge of its policymaking, supervisory control, and budgetary duties and responsibilities. Specific functions of the advisory council are determined by the establishing law or policy. The advisory council deals exclusively with matters referred by the board or the LDE. Matters referred to advisory councils require external input regarding funding decisions, policy matters that need to be reviewed for local impact, bulletin revisions containing policies or supervisory controls, and matters particular to a council for which it was created. The LDE staff provides the board with a statewide and nationwide perspective on certain issues, while advisory councils respond from a local or community perspective.~~

1. – D. ...

1. Terms. Members shall serve a term of three years at the pleasure of the appointing authority. Persons appointed by organizations and agencies other than BESE shall be ratified by the board. A council member may be removed without cause by the recommending agency at any time. Appointees must maintain employment and qualifications appropriate to the organizational category being represented. Once a member retires, becomes employed in a different capacity, or otherwise fails to maintain eligibility, the member shall become ineligible to continue to serve and shall be replaced. ~~A current council appointee, whose term has expired, may remain in place until a replacement is recommended or approved by the appointing authority and subsequently ratified by BESE.~~

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent of the term. ~~Appointments to fill vacancies shall be considered interim appointments. Interim appointments shall be made by the superintendent of education or the BESE president.~~ At the conclusion of a membership term, LDOE and BESE shall publish a request for applications and select nominees for the subsequent term from the pool of applicants.

3. Repealed.

4. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as proxy, ~~contingent upon consent of the appointing authority, and shall notify the council chair and the LDE council liaison.~~

5. Quorum. A quorum is a simple majority of the total membership. ~~In the absence of a quorum, the advisory council may take unofficial action, but minutes submitted to the board shall indicate that the recommendations are being presented without the required quorum.~~ When it is known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified, and the meeting may be canceled. Proxies cannot be included for the purpose of establishing a quorum.

6. – 8. ...

a. Appointed members are expected to attend all scheduled meetings of an advisory body. ~~Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the council chair or the LDE council liaison one week prior to the meeting. A proxy may be named by the appointed member to serve for a total of three meetings. A council member shall be removed and his/her seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the organization or agency appointed to represent, or resigns, misses more than two meetings, unless excused prior to the meeting by the council chair.~~

b. – b.iii. Repealed.

E. Chair

1. The council shall have one chair and one vice-chair annually elected by the voting members of the council ~~at the first convening meeting of the fiscal year.~~

2. The chair shall preside at all meetings of the council and perform such duties as may be required by the council. The elected vice-chair shall serve in the absence of the chair and perform other duties as assigned by the chair.

F. Meetings

1. ~~Advisory councils~~ The council shall meet as scheduled in order to consider referrals from the board or the LDOE. Special meetings shall be by call of the board, and emergency meetings may be called at the discretion of the LDE council liaison.

2. – 5. ...

6. – 8. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1 and R.S. 17:407.51
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2092 (August 2022), LR 51:

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

§1319. Advisory Council on Student Behavior and Discipline

A. – B. Repealed.

C. – C.2.a. ...

b. Members of the council shall annually elect a new chair from among its membership by February 15 of each calendar year ~~and vice chair from among the membership by the first convening meeting of the fiscal year.~~

c. – D.1. ...

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent the appointed term. ~~Appointments to fill temporary vacancies shall be considered interim appointments. Interim appointments may be made by the superintendent of education or the BESE president.~~

3. Repealed.

4. Proxy. Any person serving on an advisory the council who cannot attend a scheduled meeting may designate a person to attend as the proxy, ~~contingent upon the consent of the appointing authority, and the council chair shall be notified.~~

5. Quorum. Unless otherwise provided, a quorum is a simple majority of the total membership. ~~In the absence of a quorum, the advisory council may take unofficial action, but minutes shall indicate that the recommendations are being presented without the required quorum.~~ When known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified and the meeting may be canceled.

6. – 8. ...

a. Appointed members are expected to attend all scheduled meetings of the council an advisory body. ~~Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the council chair or the LDE staff liaison one week prior to the meeting. A proxy may be named by the appointed member to serve for a total of three meetings. A council member shall be removed and the seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the appointing organization or agency represented, or resigns, misses more than two meetings, unless excused prior to the meeting by the council chair~~

E. Meetings

1. Advisory councils shall meet as scheduled in order to consider referrals from the board or the LDOE. ~~Special meetings shall be by direction of the board, and emergency meetings may be called at the discretion of the BESE executive director and LDE.~~

2. Regular meeting dates shall be scheduled to convene one year in advance ~~and shall be determined by the executive director, LDE, or a designee of either.~~ The council shall schedule meetings upon the call of the chairperson, at least three times annually but not less than once quarterly.

3. – 5. ...

6. – 8. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1 and R.S. 17:253.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2096 (August 2022), 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 I in BESE/8(g) Operations (LAC 28:I.503, 505, and 507), Part LXV Bulletin 106--Agriculture Education Content Standards Curriculum Framework (LAC 28:LXV.109), Part XI Bulletin 111--The Louisiana School, District, and State Accountability System (LAC 28:XI.103), Part CLXVII Bulletin 140—Louisiana Early Childhood Care and Education Network (LAC 28:CLXVII.1101), Part CXV Bulletin 741—Louisiana Handbook for School Administrators (LAC 28:CXV.1319)
Rule Title: Bulletin 741—Louisiana Handbook for School Administrators (LAC 28:CXV.1319)

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 I in BESE/8(g) Operations (LAC 28:I.503, 505, and 507), Part LXV Bulletin 106--Agriculture Education Content Standards Curriculum Framework (LAC 28:LXV.109), Part XI Bulletin 111--The Louisiana School, District, and State Accountability System (LAC 28:XI.103), Part CLXVII Bulletin 140—Louisiana Early Childhood Care and Education Network (LAC 28:CLXVII.1101), Part CXV Bulletin 741—Louisiana Handbook for School Administrators (LAC 28:CXV.1319)
Rule Title: Bulletin 741—Louisiana Handbook for School Administrators (LAC 28:CXV.1319)

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: 8/23/2024

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 I in BESE/8(g) Operations (LAC 28:I.503, 505, and 507), Part LXV Bulletin 106--Agriculture Education Content Standards Curriculum Framework (LAC 28:LXV.109), Part XL Bulletin 111--The Louisiana School, District, and State Accountability System (LAC 28:XI.103), Part CLXVII Bulletin 140--Louisiana Early Childhood Care and Education Network (LAC 28:CLXVII.1101), Part CXV Bulletin 741--Louisiana Handbook for School Administrators (LAC 28: CXV.1319)</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 Act 393 of the 2023 RS. The rule change adopts requirements to provide accommodations, upon request, to persons with disabilities to facilitate participation in advisory group meetings. Further changes revise policy regarding Department of Education (LDOE) and BESE advisory group membership and 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 potential anticipated benefits to directly affected persons as a result of the proposed rule change. Remote participation by members of an advisory group or the public who have a disability may expand stakeholder input while reducing travel time and expense that may be incurred for an in-person meeting.

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

Patricia 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:I in *BESE/8(g) Operations*, LAC 28:LXV in *Bulletin 106—Agriculture Education Content Standards Curriculum Framework*, LAC 28:XI in *Bulletin 111—The Louisiana School, District, and State Accountability System*, LAC 28:CLXVII in *Bulletin 140—Louisiana Early Childhood Care and Education Network*, and LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The change revises policy regarding LDOE and BESE advisory group membership and meetings.

- 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 Act 393 of the 2023 RS. The change adopts requirements to provide accommodations, upon request, to persons with disabilities to facilitate participation in advisory group meetings.

- 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 will not 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.

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.

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
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*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.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

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.

There are potential anticipated benefits to directly affected persons as a result of the proposed rule change. Remote participation by members of an advisory group or the public who have a disability may expand stakeholder input while reducing travel time and expense that may be incurred for an in-person meeting.

- 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.