

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Part XI. Bulletin 127 – LEAP Connect Assessment, Louisiana Connectors for Students with Significant Cognitive Disabilities  
(LAC28:XI.9901)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC28:XI. Bulletin 127 – *LEAP Connect Assessment, Louisiana Connectors for Students with Significant Cognitive Disabilities* in accordance with guidance issued by the United States Department of Education regarding Title III of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act of 2015 (ESSA).

#### **Title 28**

#### **EDUCATION**

#### **Part XI. Accountability/Testing**

#### **Subpart 5. Bulletin 127 – LEAP Connect Assessment, Louisiana Connectors for Students with Significant Cognitive Disabilities**

#### **Chapter 99. English Language Learners**

#### **§9901. Alternate Connectors for English Language Learners with Significant Cognitive Disabilities**

- A. Construct meaning from oral presentations and literary and informational text through grade-appropriate listening, reading, and viewing.
- B. Participate in grade-appropriate oral and written exchanges of information, ideas, and analyses, responding to peer, audience, or reader comments and questions.
- C. Speak and write about grade-appropriate complex literary and informational texts and topics.
- D. Construct grade-appropriate oral and written claims.
- E. Conduct research and evaluate and communicate findings to answer questions or solve problems.
- F. Analyze and critique the arguments of others orally and in writing.
- G. Adapt language choices to purpose, task, and audience when speaking and writing.
- H. Determine the meaning of words and phrases in oral presentations and literary and informational text.
- I. Create clear and coherent grade-appropriate speech and text.
- J. Make accurate use of standard English to communicate in grade-appropriate speech and writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

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

## COMPARISON DOCUMENT

### Title 28

### EDUCATION

#### Part XI. Accountability/Testing

#### Subpart 5. Bulletin 127 – LEAP Connect Assessment, Louisiana Connectors for Students with Significant Cognitive Disabilities

#### Chapter 99. English Language Learners

#### §9901. Alternate Connectors for English Language Learners with Significant Cognitive Disabilities

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C. Speak and write about grade-appropriate complex literary and informational texts and topics.

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H. Determine the meaning of words and phrases in oral presentations and literary and informational text.

I. Create clear and coherent grade-appropriate speech and text.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

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


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

Person Preparing Statement: Ashley Townsend  
Phone: 225-342-2503  
Division: Policy Office  
Rule Title: Part IX. Bulletin 127 – LEAP Connect Assessment, Louisiana Connectors for Students with Significant Cognitive Disabilities (LAC28:IX. 9901).

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

PLEASE RESPOND TO THE FOLLOWING:

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

Signature of Contact Person:   
Date Submitted: 02/04/2022

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

Person Preparing Statement: Ashley Townsend

Phone: 225-342-2503

Division: Policy Office

Rule Title: Part IX. Bulletin 127 – LEAP Connect Assessment, Louisiana Connectors for Students with Significant Cognitive Disabilities (LAC28:IX.9901).

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

PLEASE RESPOND TO THE FOLLOWING:

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

- No
- Yes
- Lacks sufficient information to determine

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

- No
- Yes
- Lacks sufficient information to determine

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

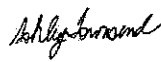
- No
- Yes
- Lacks sufficient information to determine

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

- No
- Yes
- Lacks sufficient information to determine

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

- No
- Yes
- Lacks sufficient information to determine

Signature of Contact Person: 

Date Submitted: 02/04/2022

**Small Business Statement**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

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

Shan N. Davis  
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

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

Phone: (225) 342-2503 Office: Policy

Return Address: P. O. Box 94064 Rule Title: Part IX. Bulletin 127 – LEAP Connect  
Baton Rouge, LA Assessment, Louisiana Connectors for  
Students with Significant Cognitive  
Disabilities (LAC28:IX.9901).

Date Rule Takes Effect: Upon final adoption by BESE

SUMMARY

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

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

The proposed revisions will not have an effect on costs or savings of state agencies. There may be an increase in local expenditures by public school districts associated with training as a result of the implementation of the Connectors (standards); however, this cost is indeterminable.

The proposed revisions provide alternative measurements of English language proficiency for English Learners with significant cognitive disabilities. The Alternate English Learner Connectors will be measured by the forthcoming alternate English Learner assessment, English Language Proficiency Test Connect.

The Department of Education (LDE) plans to develop an assessment associated with the Alternate English Learner Connectors through an existing contract, English Language Proficiency Assessment for the 21<sup>st</sup> Century. This initial development will not result in additional costs and the proposed revisions do not require the purchase of such assessments at this time.

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

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

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

The proposed revisions will benefit English Learners with significant cognitive disabilities by providing Connectors (standards) to be used in an alternate assessment of English Language Proficiency. This assessment will benefit school- and district-level teams as they support these students in learning English language knowledge and skills.



IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

DocuSigned by:  
Beth Scioneaux  
Signature of Agency Head or Designee

Adam A. Boston  
Legislative Fiscal Officer or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance  
Typed Name and Title of Agency Head or Designee

2/4/2022  
Date of Signature

2/9/22  
Date of Signature

LFO 10/04

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

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

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

The proposed revisions are the result of a cross-disciplinary effort to support states and other education entities as they work to meet the federal Elementary and Secondary Education Act requirement to develop alternate assessments of English language proficiency for English Learners (ELs) with significant cognitive disabilities. The Alternate EL Connectors, measured by the forthcoming alternate EL assessment (ELPT Connect), are relevant and appropriate for ELs with significant cognitive disabilities, in addition to being rigorous, coherent, measurable, and linked to grade-level expectations.

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

Title III of the Elementary and Secondary Education Act, as amended by the 2016 Every Student Succeeds Act, necessitates these revisions to Bulletin 127 – *LEAP Connect Assessment, Louisiana Connectors for Students with Significant Cognitive Disabilities*. States and local educational authorities are required to report the number and percentage of ELs making progress toward achieving English language proficiency, including disaggregation by English learners with disabilities, and are encouraged to further disaggregate the data on these students' attainment of English language proficiency.

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

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

No.

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

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

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

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

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

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

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

The proposed revisions provide alternative measurements of English language proficiency for English Learners with significant cognitive disabilities. The Alternate English Learner Connectors (standards) will be measured by the forthcoming alternate English Learner assessment, English Language Proficiency Test Connect.

The Department of Education (LDE) plans to develop an assessment associated with the Alternate English Learner Connectors through an existing contract, English Language Proficiency Assessment for the 21<sup>st</sup> Century. This initial development will not result in additional costs and the proposed revisions do not require the purchase of such assessments at this time.

COSTS	FY21-22	FY22-23	FY23-24
PERSONAL SERVICES			
OPERATING EXPENSES			
PROFESSIONAL SERVICES			
OTHER CHARGES	-0-	-0-	-0-
EQUIPMENT			
<u>MAJOR REPAIR &amp; CONSTR.</u>			
<u>POSITIONS (#)</u>			
<b>TOTAL</b>	-0-	-0-	-0-

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

N/A

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

SOURCE	FY21-22	FY22-23	FY23-24
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED	-0-	-0-	-0-
DEDICATED			
FEDERAL FUNDS	-0-	-0-	-0-
OTHER (Specify)			
<b>TOTAL</b>	-0-	-0-	-0-

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

Yes.

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 may be an increase in local expenditures by public school districts associated with training as a result of the implementation of the Connectors; however, this cost is indeterminable.

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

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

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

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

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

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

REVENUE INCREASE/DECREASE	FY21-22	FY22-23	FY23-24
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF GENERATED			
RESTRICTED FUNDS*			
FEDERAL FUNDS			
LOCAL FUNDS			
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.

N/A

## FISCAL AND ECONOMIC IMPACT STATEMENT

### WORKSHEET

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

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

The proposed revisions will benefit English Learners with significant cognitive disabilities by providing Connectors (standards) to be used in an alternate assessment of English Language Proficiency. This assessment will benefit school- and district-level teams as they support these students in learning English language knowledge and skills.

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

N/A

#### IV. EFFECTS ON COMPETITION AND EMPLOYMENT

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

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

## COMPARISON DOCUMENT

### Title 28

### EDUCATION

#### Part XI. Accountability/Testing

#### Subpart 5. Bulletin 127 – LEAP Connect Assessment, Louisiana Connectors for Students with Significant Cognitive Disabilities

#### Chapter 99. English Language Learners

#### §9901. Alternate Connectors for English Language Learners with Significant Cognitive Disabilities

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