

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 140—Louisiana Early Childhood Care and Education Network  
(LAC 28:CLXVII.503)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXVII, *Bulletin 140—Louisiana Early Childhood Care and Education Network*. As a result of the COVID-19 pandemic, the proposed revisions would require, for the 2020-2021 school year only, all infant, toddler, and pre-k classrooms in a publicly-funded site to receive one CLASS® observation conducted by the community network during the school year. Any infant, toddler, and/or pre-K classroom that is scored 4.49 or lower after third party replacement (if applicable) shall then be observed a second time by the community network.

#### Title 28

#### EDUCATION

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

#### Chapter 5. Early Childhood Care and Education Accountability System

#### §503. Coordinated Observation Plan and Observation Requirements

A. – B.2.c. ...

##### 3. Required Observations

a. For the 2020-2021 academic year only, all infant, toddler, and pre-K classrooms in a publicly-funded site will receive one CLASS® observation during the school year conducted by the community network.

b. Any infant, toddler, and/or pre-K classroom that receives a fall CLASS® score of 4.49 or lower after third party replacement (if applicable) shall be observed a second time.

c. Following the 2020-2021 academic year, all infant, toddler, and pre-K classrooms in a publicly-funded site will receive two CLASS® observations during the school year conducted by the community network.

d. Following the 2020-2021 academic year, one observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

e. CLASS® observations conducted by third-party contractors hired by the department shall not count towards this requirement.

##### f. Infant Classrooms

i. For the 2018-2019 school year, all infant classrooms in a publicly-funded site shall be reported to the department as part of the community network's count of classrooms, and may conduct or allow local or third-party observations as practice.

ii. For the 2019-2020 school year, all infant classrooms in a publicly-funded site shall receive two CLASS® observations during the school year conducted by the community network, but the observations shall not be included in the performance ratings for the 2019-2020 school year.

(a). One observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

(b). CLASS® observations conducted by third-party contractors hired by the department shall not count towards this requirement.

iii. For the 2020-2021 school year and beyond, all infant classrooms in a publicly-funded site shall receive two CLASS® observations during the school year conducted by the community network.

(a). One observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

(b). CLASS® observations conducted by third-party contractors hired by the department shall not count towards this requirement.

B.4. – E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2586 (December 2015), amended LR 42:1872 (November 2016), LR 43:2131 (November 2017), LR 44:1440 (August 2018), LR 45:1453 (October 2019), LR 47:.

# COMPARISON DOCUMENT

## Title 28

### EDUCATION

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~~ac.~~ ~~Beginning with the 2019-2020 school year~~ Following the 2020-2021 academic year, all infant, toddler, and pre-K classrooms in a publicly-funded site will receive two CLASS® observations during the school year conducted by the community network.

~~bd.~~ Following the 2020-2021 academic year, One observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

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

**Person Preparing Statement:** Ryan Gremillion  
**Phone:** 225-342-1501  
**Division:** Policy Office  
**Rule Title:** Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network

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: \_\_\_\_\_

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

**Person Preparing Statement:**  Ryan Gremillion

**Phone:**  225-342-1501

**Division:**  Policy Office

**Rule Title:**  Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network

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: \_\_\_\_\_

### **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, February 9, 2021, 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: Ryan Gremillion Dept.: LA Department of Education  
Board of Elementary & Secondary Education

Phone: (225) 342-1501 Office: Policy

Return Address: P. O. Box 94064 Rule Title: Part CLXVII. Bulletin 140—Louisiana Early  
Baton Rouge, LA Childhood Care and Education Network

Date Rule Takes Effect: Upon final Promulgation

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 may result in reduced costs for Early Childhood Community Network lead agencies located at local school districts, however this is indeterminable. The proposed revision reduces the number of required CLASS observations for most classes from two to one for the 2020-2021 school year. To the extent the lead agency contracts with individuals to conduct CLASS observations, it may experience reduced costs or alternatively reallocate such funds for other purposes.

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

The proposed policy revisions will not have an impact on state or local revenue collections. Early Childhood Community Network lead agencies receive funding through state per pupil allocations.

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

The proposed revisions may result in reduced costs for Early Childhood Community Network lead agencies located at non-profit organizations, however this is indeterminable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions may lead to a reduction in employment or income for individuals contracted by lead agencies to conduct CLASS observations. Early Childhood Community Network lead agencies have autonomy to find CLASS observers and vary in how they structure the role. In some places, CLASS observations are conducted by system or site administrators as part of their regular duties. In other places, the lead agency contracts with individuals to conduct CLASS observations. It is possible that the reduction in observations will affect workload and/or pay in some cases.

Beth Scioneaux  
Signature of Agency Head or Designee

Alan M. Bostey  
Legislative Fiscal Officer or Designee

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

1/8/2021  
Date of Signature

1/8/21  
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).

Current policy requires all infant, toddler, and pre-K classrooms in a publicly funded site to receive two CLASS® observations conducted by the community network during a school year.

The proposed revisions would require, for the 2020-2021 school year only, all infant, toddler, and pre-k classrooms in a publicly-funded site to receive one CLASS® observation conducted by the community network during the school year. Any infant, toddler, and/or pre-K classroom that is scored 4.49 or lower after third party replacement (if applicable) shall then be observed a second time by the community network.

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

As a result of challenges posed by COVID-19, the proposed revisions, by reducing the number of observations conducted in 2020-2021, will afford the community network the opportunity to direct attention to those classrooms that receive a low score on the first observation.

- 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.

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?

There are no anticipated changes in costs to state agencies to implement the proposed action.  
2.

| COSTS                             | FY21 | FY22 | FY23 |
|-----------------------------------|------|------|------|
| PERSONAL SERVICES                 |      |      |      |
| OPERATING EXPENSES                | -0-  | -0-  | -0-  |
| PROFESSIONAL SERVICES             |      |      |      |
| OTHER CHARGES                     |      |      |      |
| 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 | FY22 | FY23 |
|-----------------------|------|------|------|
| 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, early childhood program activities are funded from multiple sources including federal Child Care and Development Funds (CCDF), federal IDEA funds, federal grant funds, and state general funds, as well as local funding and other available resources.

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.

The proposed revisions may result in reduced costs for Early Childhood Community Network lead agencies located at local school districts, however this is indeterminable. The proposed revision reduces the number of required CLASS observations for most classes from two to one for the 2020-2021 school year. To the extent the lead agency contracts with individuals to conduct CLASS observations, it may experience reduced costs or alternatively reallocate such funds for other purposes.

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

The proposed policy revisions will not have an impact on state or local revenue collections. Lead agencies receive funding through state per pupil allocations.

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 impact state and local revenue collections.

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

See above.

## 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 may result in reduced costs for Early Childhood Community Network Lead Agencies located at non-profit organizations, however this is indeterminable.

- 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.

No impact on income is anticipated as a result of this rule change.

#### 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 may lead to a reduction in employment or income for individuals contracted by lead agencies to conduct CLASS observations. Early Childhood Community Network lead agencies have autonomy to find CLASS observers and vary in how they structure the role. In some places, CLASS observations are conducted by system or site administrators as part of their regular duties. In other places, the lead agency contracts with individuals to conduct CLASS observations. It is possible that the reduction in observations will affect workload and/or pay in some cases.