

**DECLARATION OF EMERGENCY**  
**Board of Elementary and Secondary Education**

Part XI. Accountability/Testing  
Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices  
(Part XI.6913).

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 has LAC 28:XI: Subpart 3 in Bulletin 118—*Statewide Assessment Standards and Practices*. The aforementioned revisions are in response to new LEAP Connect assessment forms administered to eligible students in grades 3-8 and 11 in the spring of 2021. Specifically, the revisions update the reference of “scaled-scores” used in current policy to “scale scores;” update scale score ranges for English language arts, mathematics, and science; and update the labels for the four achievement levels previously identified as Level 1, 2, 3, and 4. This Declaration of Emergency, effective August 18, 2021, is for a period of 180 days from adoption, or until finally adopted as Rule.

**Title 28**

**EDUCATION**

**Part XI: Accountability/Testing**

**Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices**

**Chapter 69. LEAP Alternate Assessment, Level 1**

**Subchapter D. Alternate Achievement Levels and Performance Standards**

**§6913. Performance Standards**  
**[Formerly LAC 28:CXI.1913]**

A. Performance standards for LEAP Connect English language arts, mathematics, and LEAP Connect science tests are finalized in scaled-score form.

B. LEAP Connect Alternate Achievement Levels and Scaled-Score Growth Ranges

1. English Language Arts and Mathematics Scaled Score Ranges

a. English Language Arts

<b>English Language Arts</b>				
<b>Grade</b>	<b>Below Goal</b>	<b>Near Goal</b>	<b>At Goal</b>	<b>Above Goal</b>
<b>3</b>	1200 - 1231	1232 - 1239	1240 - 1257	1258 - 1290
<b>4</b>	1200 - 1231	1232 - 1239	1240 - 1252	1253 - 1290
<b>5</b>	1200 - 1231	1232 - 1239	1240 - 1252	1253 - 1290
<b>6</b>	1200 - 1231	1232 - 1239	1240 - 1249	1250 - 1290
<b>7</b>	1200 - 1231	1232 - 1239	1240 - 1247	1248 - 1290
<b>8</b>	1200 - 1231	1232 - 1239	1240 - 1243	1244 - 1290
<b>HS</b>	1200 - 1231	1232 - 1239	1240 - 1258	1259 - 1290

b. Mathematics

<b>Mathematics</b>				
<b>Grade</b>	<b>Below Goal</b>	<b>Near Goal</b>	<b>At Goal</b>	<b>Above Goal</b>
<b>3</b>	1200 - 1231	1232 - 1239	1240 - 1275	1276 - 1290
<b>4</b>	1200 - 1231	1232 - 1239	1240 - 1251	1252 - 1290
<b>5</b>	1200 - 1231	1232 - 1239	1240 - 1256	1257 - 1290
<b>6</b>	1200 - 1231	1232 - 1239	1240 - 1247	1248 - 1290
<b>7</b>	1200 - 1231	1232 - 1239	1240 - 1256	1257 - 1290
<b>8</b>	1200 - 1231	1232 - 1239	1240 - 1254	1255 - 1290
<b>HS</b>	1200 - 1231	1232 - 1239	1240 - 1248	1249 - 1290

2. Science Scaled-Score Ranges

<b>Science</b>				
<b>Grade</b>	<b>Below Goal</b>	<b>Near Goal</b>	<b>At Goal</b>	<b>Above Goal</b>
<b>4</b>	1200 - 1231	1232 - 1239	1240 - 1243	1244 - 1290
<b>8</b>	1200 - 1231	1232 - 1239	1240 - 1243	1244 - 1290
<b>HS</b>	1200 - 1231	1232 - 1239	1240 - 1244	1245 - 1290

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(F)(3) and R.S. 17:183.1-17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007), amended LR 35:209 (February 2009), amended by the Board of Elementary and Secondary Education, LR 44:472 (March 2018), LR 44:1237 (July 2018), LR 47:568 (May 2021), LR 47:.

**COMPARISON DOCUMENT**

**Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices**

**Chapter 69. LEAP Alternate Assessment, Level 1**

**Subchapter D. Alternate Achievement Levels and Performance Standards**

**§6913. Performance Standards  
[Formerly LAC 28:CXI.1913]**

A. Performance standards for LEAP Connect English language arts, mathematics, and LEAP Connect science tests are finalized in scaled-score form.

B. LEAP Connect Alternate Achievement Levels and Scaled-Score Growth Ranges

1. English Language Arts and Mathematics Scaled Score Ranges

a. English Language Arts

Performance Level	English Language Arts						
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11
Level 4	1251-1290	1258-1290	1256-1290	1253-1290	1255-1290	1250-1290	1255-1290
Level 3	1240-1250	1240-1257	1240-1255	1240-1252	1240-1254	1240-1249	1240-1254
Level 2	1234-1239	1234-1239	1232-1239	1231-1239	1236-1239	1230-1239	1236-1239
Level 1	1200-1233	1200-1233	1200-1231	1200-1230	1200-1235	1200-1229	1200-1235

English Language Arts				
Grade	Below Goal	Near Goal	At Goal	Above Goal
3	1200 - 1231	1232 - 1239	1240 - 1257	1258 - 1290
4	1200 - 1231	1232 - 1239	1240 - 1252	1253 - 1290
5	1200 - 1231	1232 - 1239	1240 - 1252	1253 - 1290
6	1200 - 1231	1232 - 1239	1240 - 1249	1250 - 1290
7	1200 - 1231	1232 - 1239	1240 - 1247	1248 - 1290
8	1200 - 1231	1232 - 1239	1240 - 1243	1244 - 1290
HS	1200 - 1231	1232 - 1239	1240 - 1258	1259 - 1290

b. Mathematics

Performance Level	Mathematics						
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11
Level 4	1254-1290	1251-1290	1255-1290	1249-1290	1254-1290	1249-1290	1249-1290
Level 3	1240-1253	1240-1250	1240-1254	1240-1248	1240-1253	1240-1248	1240-1248
Level 2	1236-1239	1233-1239	1231-1239	1234-1239	1232-1239	1234-1239	1234-1239
Level 1	1200-1235	1200-1232	1200-1230	1200-1233	1200-1231	1200-1233	1200-1233

Mathematics				
Grade	Below Goal	Near Goal	At Goal	Above Goal
3	1200 - 1231	1232 - 1239	1240 - 1275	1276 - 1290
4	1200 - 1231	1232 - 1239	1240 - 1251	1252 - 1290
5	1200 - 1231	1232 - 1239	1240 - 1256	1257 - 1290
6	1200 - 1231	1232 - 1239	1240 - 1247	1248 - 1290
7	1200 - 1231	1232 - 1239	1240 - 1256	1257 - 1290
8	1200 - 1231	1232 - 1239	1240 - 1254	1255 - 1290
HS	1200 - 1231	1232 - 1239	1240 - 1248	1249 - 1290

2. Science Scaled-Score Ranges

Science Scaled-Score Ranges				
Achievement Level	Grade 4		Grade 8	Grade 11
Exceeds Standard	845-900		850-900	838-900
Meets Standard	810-844		810-849	810-837
Working Toward Standard	700-809		700-809	700-809

Science				
Grade	Below Goal	Near Goal	At Goal	Above Goal
4	1200 - 1231	1232 - 1239	1240 - 1243	1244 - 1290
8	1200 - 1231	1232 - 1239	1240 - 1243	1244 - 1290
HS	1200 - 1231	1232 - 1239	1240 - 1244	1245 - 1290

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007), amended LR 35:209 (February 2009), amended by the Board of Elementary and Secondary Education, LR 44:472 (March 2018), LR 44:1237 (July 2018), LR 47:568 (May 2021), LR 47:.

Sandy Holloway  
President

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 XI. Subpart 3. Bulletin 118 –  
Baton Rouge, LA Statewide Assessment Standards and Practices (Part XI.6913).

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 result in costs or savings to state or local governmental units. These revisions would update the reference of "scaled-scores" used in current policy to "scale scores;" update scale score ranges for English language arts, mathematics, and science; and update the labels for the four achievement levels previously identified as Level 1, 2, 3, and 4.

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 not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

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

Alan M. Bostrom  
Legislative Fiscal Officer or Designee

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

1/7/2022  
Date of Signature

1/10/22  
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 revisions update the reference of "scaled-scores" used in current policy to "scale scores;" update scale score ranges for English language arts, mathematics, and science; and update the labels for the four achievement levels previously identified as Level 1, 2, 3, and 4. These revisions are in response to new LEAP Connect assessment forms administered to eligible students in grades 3-8 and 11 in the spring of 2021.

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

The proposed revisions update policy in response to new LEAP Connect assessment forms administered to eligible students in grades 3-8 and 11 in the spring of 2021.

- 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 result in costs or savings to state agencies.

These revisions would update the reference of "scaled-scores" used in current policy to "scale scores;" update scale score ranges for English language arts, mathematics, and science; and update the labels for the four achievement levels previously identified as Level 1, 2, 3, and 4.

COSTS	FY21-22	FY22-23	FY23-24
PERSONAL SERVICES			
OPERATING EXPENSES	-0-	-0-	-0-
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
MAJOR REPAIR & CONSTR.			
POSITIONS (#)			
<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.

The proposed revisions will not result in costs or savings to local governmental units.

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 not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental 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.

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.



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 XI, Subpart 3, Bulletin 118 – Statewide Assessment Standards and Practices (Part XI.6913).

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: Ashley Townsend

Date Submitted: 1/6/2022

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 XI. Subpart 3. Bulletin 118 – Statewide Assessment Standards and Practices (Part XI.6913).

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: *Ashley Townsend*

Date Submitted: 1/6/2022

**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, January 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