

NOTICE OF INTENT

Board of Elementary and Secondary Education

Part CLXVII. Bulletin 140 – Louisiana Early Childhood Care and Education Network
(LAC28:CLXVII.503 and 509)

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:CLXVII. Bulletin 140 – *Louisiana Early Childhood Care and Education Network*. The proposed revisions would align 2021-2022 early childhood observation policy with the approved 2021-2022 K-12 observation policy approved by the Board in October 2021 to alleviate the burdens of cost and time, amplified by the COVID-19 pandemic, associated with conducting these observations.

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 and 2021-2022 academic years 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 and 2021-2022 academic years, 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 and 2021-2022 academic years, 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.

B.4. -- E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.30 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:556 (April 2020)

§509. Performance Rating Calculations for Publicly-Funded Sites

A. - B.3. ...

4. Exception due to the COVID-19 pandemic with regard to observation completion and other associated challenges. For the 2020-2021 and 2021-2022 school years only, a classroom that does not have a second observation because the classroom received a fall *CLASS*[®] score of 4.50 or higher after third party replacement shall have their fall *CLASS*[®] score after third party replacement duplicated and treated as the spring local observation for the purposes of performance rating. A classroom that does not have a second observation for any other reason shall have their score replaced consistent with Subsection B of this Section.

C.- G. ...

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 41:2587 (December 2015), amended LR 42:1873 (November 2016), LR 44:1442 (August 2018), LR 45:1453 (October 2019), LR 47:1286 (September 2021).

COMPARISON DOCUMENT

Title 28

EDUCATION

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3. Required Observations

a. For the 2020-2021 and 2021-2022 academic years 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 and 2021-2022 academic years, 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 and 2021-2022 academic years, 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.~~

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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 CLXVII. Bulletin 140 – Louisiana
Baton Rouge, LA Early Childhood Care and Education
Network (LAC28:CLXVII.503 and 509).

Date Rule Takes Effect: December 15, 2021

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 Classroom Assessment Scoring System (CLASS) observations for most classrooms from two to one for the 2021-2022 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.

DocuSigned by:

Beth Scioneaux

Signature of Agency Head or Designee

Alan M. Bortey

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

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 amend LAC28:CLXVII. Bulletin 140 – *Louisiana Early Childhood Care and Education Network* for the 2021-2022 school year to align early childhood observation policy with the approved 2021-2022 K-12 observation policy approved by the Board in October 2021. Current policy requires that all publicly funded early childhood classrooms receive two CLASS observations, one in the fall semester and one in the spring semester, by the Community Network lead agency. The proposed revisions would require publicly funded early childhood classrooms earning a rating less than 4.50 in the fall to be observed a second time in the spring by the Community Network lead agency. The proposed revisions also formalize the legislative reporting requirement in Act 198 of the 2021 Regular Session of the Louisiana Legislature.

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

The COVID-19 pandemic has increased the difficulty and cost of conducting these observations. The proposed revisions would reduce the number of required observations by the number of classrooms earning a rating greater than 4.50 in the fall. Additionally, Act 198 of the Louisiana 2021 Regular Legislative Session establishes a reporting requirement to assist “legislators in evaluating the effectiveness of the Early Childhood Care and Education Network and in determining the most efficient and effective allocation of funding and services.”

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

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

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 have no effect on costs or savings to state agencies.

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

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 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 classrooms from two to one for the 2021-2022 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.

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 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.

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 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.

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 CLXVII. Bulletin 140 – Louisiana Early Childhood Care and Education Network (LAC28: CXV.503 and 509)

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 CLXVII, Bulletin 140 – Louisiana Early Childhood Care and Education Network (LAC28:CLXVII.503 and 509)

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: 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, February 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