

NOTICE OF INTENT

Board of Elementary and Secondary Education

Part XI. Bulletin 111— The Louisiana School, District, and State Accountability System
Chapter 1. General Provisions
(LAC 28:XI.103).

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 LAC 28:XI. in Bulletin 111 – *The Louisiana School, District, and State Accountability System*. The revisions codify the Accountability Council and provide for the membership structure and operating procedures of the council. The revisions establish and align advisory councils across all bulletins, in compliance with Louisiana Open Meetings Law and meeting procedures outlined in Robert's Rules of Order. The revision, part of an effort to codify all BESE advisory councils in policy, to include processes and procedures, will eliminate the need for bylaws for each individual council and standardizes operational guidelines.

Title 28

EDUCATION

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. Functions. The function of an advisory council is to advise the board, directly or through its committees, in the discharge of policymaking, supervisory control, and budgetary duties and responsibilities. Specific functions of an advisory council are determined by the establishing statute or policy. Advisory councils deal exclusively with matters referred by the board or the LDE. Matters referred to advisory councils include external input regarding funding decisions, policy matters 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.

B. Composition. Unless otherwise provided by state or federal law, each advisory council of the board is created by board policy. The policy determines the size of the council membership; the appointing authority; the persons, organizations, affiliations, or interest groups to be represented on a council; and the length of term.

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

1. Authority-per BESE policy;
2. Referrals and responsibilities:
 - a. advise the board regarding accountability issues and the state Every Student Succeeds Act (ESSA) Plan;
 - b. consider all matters referred by the board or the LDE; and
 - c. function as follows:
 - i. serve as the state Committee of Practitioners to conform to requirements in Title I of the Elementary and Secondary Education Act (ESEA) and to perform such duties of the committee to review, before publication, proposed or final State rule or regulation pursuant to Title 1;
 - ii. review rules and regulations that govern federal programs in Louisiana, noting that members shall be advised of substantial revisions in the federal programs supported through Louisiana's ESEA waiver; and
 - iii. advise the LDE on policy development of the state, district, and school accountability system.
 - 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. BESE appointments
 - (a). Educator, nominated by BESE president.
 - (b). BESE member, nominated by BESE President.
 - (c). LEA Administrator, appointed by BESE from list provided by State Superintendent of Education.
 - (d). Nonpublic School Representative, nominated by BESE President.
 - (e). Local Educational Agency Representative, appointed by BESE from list provided by State Superintendent of Education.
 - (f). Parent, nominated by BESE president.
 - (g). Postsecondary Education Representative, appointed by BESE from list provided by State Superintendent of Education.
 - (h). School Board Member, nominated by BESE president.
 - (i). Community Representative, nominated by BESE president.
 - (j). Community Representative, nominated by BESE president.
 - ii. State Superintendent of Education appointments
 - (a). Educator.

- (b). LEA Administrator.
- (c). Charter School Representative.
- (d). District Superintendent.
- (e). Pupil Appraisal Representative.
- (f). Principal Representative.

iii. Association nominations

- (a). Associated Professional Educators of Louisiana Representative, nominated by association leadership.
- (b). Louisiana Association of Educators Representative, nominated by association leadership.
- (c). Louisiana Federation of Teachers Representative, nominated by association leadership.

D. General Membership Information

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. 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. Expenses. Members shall be entitled to reimbursement for travel expenses, if specified by statute or not prohibited by board policy, pending availability of funds. Requests for reimbursement for expenses shall be submitted in accordance with the regulations promulgated by the commissioner of administration in the *Louisiana Travel Guide*.

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. Action/Quorum. Official council action requires that matters submitted to the council by motion are duly seconded. The chair states the motion and calls for discussion and public comment. All official actions of the council shall require the favorable vote of a majority of the members present. Proxies cannot be included for the purpose of establishing a quorum.

7. Voting. All voting shall be by voice vote, except when taken by roll call vote or when a member requests that his/her vote be recorded in the official record. A roll call vote shall be taken on any motion if requested by the chair. Roll call votes shall be taken alphabetically, except that the presiding officer or chair shall have the option of voting last or may exercise the right to refrain from voting. Proxies do not retain voting privileges.

8. Attendance Policy

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 misses more than two meetings, unless excused prior to the meeting by the council chair.

b. The appointing authority for each member shall be notified immediately following each scheduled meeting indicating the unexcused absence of the appointee. The notification should include:

- i. name of council member and council on which serving;
- ii. date of the meeting; and
- iii. board policy on attendance.

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 shall meet as scheduled in order to consider referrals from the board or the LDE. 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 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 LDE 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. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present and subject to other provisions of the statute.

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

6. Motions passed by an advisory council shall be made as a main motion and must be seconded. All motions must be voted upon and roll call votes may be requested by any of the membership in attendance at a meeting.

7. Requests from advisory councils for data/reports must be made in the form of a motion, requesting that the board direct the LDE or BESE staff to provide such information to the council making the request.

8. The minutes and reports of each advisory council shall be presented to the BESE executive director for referral to the board. Actions taken in response to referrals shall be forwarded to the appropriate committee(s). A committee, after consideration of the recommendations of the advisory council, shall report recommendations to the board for final action.

9. All meetings of advisory councils shall be considered official functions of the board to assist in the execution of board responsibilities and duties.

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

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

COMPARISON DOCUMENT

Title 28

EDUCATION

Part XI. Bulletin 111—The Louisiana School, District, and State Accountability System

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

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

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) 342-3446 Office: Policy

Return Address: P. O. Box 94064 Baton Rouge, LA Rule Title: Part XI. Bulletin 111 – The Louisiana School, District, and State Accountability System (LAC 28:XI.103).

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 impact costs or savings to state or local governmental units. The proposed revisions codify the Accountability Council, an existing advisory group, to facilitate development of standard operating procedures that will promote efficiency and clarity.

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

Evan Brassfield, Interim Deputy
Legislative Fiscal Officer or Designee
Fiscal Officer

Beth Scioneaux, Deputy Superintendent for Management and Finance

Typed Name and Title of Agency Head or Designee

4/18/2022

Date of Signature

5/19/22

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 codify the Accountability Council, an existing advisory group, to facilitate development of standard operating procedures that will promote efficiency and clarity. The associated set of revisions establish and align advisory councils across all bulletins, in accordance to statute where applicable, and in compliance with Louisiana Open Meetings Law and meeting procedures outlined in Robert's Rules of Order. Also, codifying all BESE advisory councils in policy, to include processes and procedures, will eliminate the need for bylaws for each individual council and standardizes all operational guidelines.

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

The Board of Elementary and Secondary Education, in conjunction with the Louisiana Department of Education, initiated these revisions to promote operational clarity and efficiency.

- 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 impact on costs or savings to state agencies. The proposed revisions codify the Accountability Council, an existing advisory group, to facilitate development of standard operating procedures that will promote efficiency and clarity.

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

N/A

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 have no impact on 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			
AGENCY SELF GENERATED			
RESTRICTED FUNDS			
FEDERAL FUNDS			
LOCAL FUNDS			
TOTAL			

*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 effect 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: 225-342-3446
Division: Policy Office
Rule Title: Part XI. Bulletin 111. The Louisiana School, District, and State Accountability System (LAC 28:XI.103).

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: 4/14/2022

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

Person Preparing Statement: Ashley Townsend

Phone: 225-342-3446

Division: Policy Office

Rule Title: Part XI, Bulletin 111, The Louisiana School, District, and State Accountability System (LAC 28:XI.103).

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?

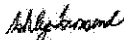
- No
 Yes
 Lacks sufficient information to determine

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: 04/14/2022

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, June 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