NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools— Reopening of schools for the 2020-2021 school year, as informed by the Centers for Disease Control and Prevention (LAC 28:CXXXIX.103, 4101, 4103 and 4105)

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:CXXXIX (Bulletin 126). Proposed amendments align current policy with Act 9 of the 2020 First Extraordinary Session, which requires the State Board of Elementary and Secondary Education (BESE) to adopt, no later than July 15, 2020, emergency rules informed by the Centers for Disease Control and Prevention (CDC) guidelines to provide minimum standards, policies, medical exceptions, and regulations to govern the reopening of schools for the 2020-2021 school year.

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 1. General Provisions

§103. Definitions

A. - A.2. ...

* * *

Face Covering—a piece of material used to cover both the nose and mouth for the purpose of forming a barrier to droplets or airborne particles that are coughed, sneezed, or exhaled when talking. Face coverings are meant to protect both the wearer of the face covering and surrounding individuals.

* * *

High-Touch Surface—surfaces that are touched frequently, including but not limited to door handles, bathroom fixtures, drinking fountains, railings, desks, and other surfaces in school facilities or on school buses.

* * *

LDH—the Louisiana Department of Health.

* * *

Static Group—a group whose composition of students and adults does not change.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:439.1, 17:3391, 17:3981, and 17:3973.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1357 (July 2008), amended LR 37:867 (March 2011), LR 37:2383 (August 2011), LR 38:37 (January 2012), LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), amended LR 38:1583 (July 2012), LR 39:3062 (November 2013), LR 40:1321 (July 2014), LR 42:1018 (July 2016), LR 43:2476 (December 2017), LR 46:

Chapter 41. Reopening School Facilities for the 2020-2021 School Year

§4101. Purpose and Background

A. This Chapter provides minimum health and safety standards regarding the reopening of school facilities for the 2020-2021 school year in response to the coronavirus disease (COVID-19) pandemic in order to ensure that students, faculty, staff, and others on school property are protected to the maximum extent possible and practical.

B. The requirements contained within this Chapter were developed by the LDE in coordination with the LDH using guidance provided by the Centers for Disease Control (CDC) regarding school settings, defined as a setting in which educational services are provided to children. As research and information about COVID-19 is updated or if the LDH or CDC revise guidance regarding school settings, the LDE will review the standards contained within this Chapter and, as appropriate and necessary, propose revisions of this Chapter to BESE.

C. While the requirements outlined in this Chapter are designed to mitigate the spread of COVID-19 and to create a safe and healthy environment for students, faculty, staff, and others on school property, no requirement or plan guarantees that individuals will not contract COVID-19.

D. By executive order, the governor establishes the statewide phase(s) of reopening (phase 1, phase 2, or phase 3). If the local governing authority of a parish or other municipality has established a more restrictive phase of reopening, the LEA located within that parish or municipality must conform to the more restrictive requirements.

E. Medical or disability impact exceptions to any standard in this Chapter should be addressed on an individual basis by the LEA in accordance with local policies.

F. For the purposes of this Chapter, the following definition will apply.

Physical Distance—the act of an individual maintaining a space of six feet or more from another individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:

§4103. Minimum Requirements for Reopening and Operating School Facilities

A. Group Sizes

1. The maximum group size that may convene indoors in a single room, irrespective of room size, or outdoors at any given time are as follows:

a. phase 1—10 individuals;

b. phase 2—25 individuals; and

c. phase 3—50 individuals.

2. Group Composition

a. Younger students who are unable to wear face coverings or maintain a physical distance from other students or adults should be assigned static groups. This must include, at a minimum, students in grades 2 or lower. The static group composition should be maintained for as long as possible over the course of the 2020-2021 school year.

b. The composition of a group may change if students are able to maintain a physical distance of at least six feet from other students and adults in a classroom or indoor setting, to the greatest extent possible.

c. Students with disabilities must continue to receive special education and related services in the least restrictive environment. School systems must factor in any additional service providers who may need to enter the classroom, students who receive services outside the classroom (e.g. resource, APE), and/or students who receive services through alternate instructional methods.

B. Physical Standards for the use of School Facilities

1. If a group convenes indoors, it must convene in a room enclosed by a wall or partition. This includes large rooms, such as a gymnasium or auditorium, which may include more than one group if each group is separated by a wall or partition.

2. If groups convene outdoors, a physical barrier is not required, but each group must remain separated.

3. To the greatest extent possible, schools must limit crowding at entry and exit points and maintain maximum group sizes and physical distance recommendations.

4. If a room is used by more than one group in a single day, high-touch surfaces contained in that room must be cleaned before and after use by each group.

C. Monitoring Students and Adults for Symptoms of COVID-19

1. Each school must establish an area used to isolate anyone showing signs of being sick. The isolation area must be cleaned after it is occupied by any sick student or adult.

2. Upon arriving at the school facility, each adult and student must be assessed for symptoms of COVID-19, as defined by the CDC. This includes an initial temperature check.

D. Environmental Cleaning and Personal Hygiene

1. High-touch surfaces must be cleaned multiple times per day, including bathrooms.

2. Students must wash or sanitize hands upon arrival at the school, at least every two hours, before and after eating, before and after using outdoor play equipment, and before exiting the school facility.

3. While inside the school facility, all adults and students in grades 3 through 12 must wear a face covering to the greatest extent possible and practical within the local community context.

4. While inside the school facility, students in grades prekindergarten through 2 may wear a face covering.

5. While inside the school facility, children under two years old and individuals with breathing difficulties should not wear a face covering.

E. Hygienic Supplies

1. School employees must be provided adequate access to hygienic supplies, including soap, hand sanitizer with at least 60 percent alcohol, disinfectant wipes or spray, paper towels, and tissues. Face coverings should also be provided when needed.

2. The quantity of hygienic supplies must be appropriately provided to the school employee, according to the role and the number and age of students or adults served by that employee.

F. Transportation

1. School buses used to transport students must not exceed the following maximum capacity requirements:

a. phase 1—25 percent , including adults, of the school bus manufacturer capacity;

b. phase 2—50 percent, including adults, of the school bus manufacturer capacity; and

c. phase 3—75 percent, including adults, of the school bus manufacturer capacity.

2. Passengers on a school bus must be spaced to the greatest extent possible as follows:

a. phase 1—passengers must ride one per seat. Every other seat must remain empty. Members of the same household may sit in the same seat or adjacent seats; and

b. phase 2 and 3—passengers must be dispersed throughout the bus to the greatest extent possible.

G. Student Programming Determinations

1. Student placement determinations in a distance or in-person education program should be made in consultation with the parent or custodian.

2. Student placement determinations should take into consideration a student's unique academic, social, emotional, familial, and medical needs of a student, as identified by the student's parent or custodian.

H. Essential Visitors to School Facilities

1. Essential visitors are individuals who must enter schools or early learning centers in order to conduct visits in accordance with Louisiana law or policy. Essential visitors include, but are not limited to, individuals who:

a. conduct *CLASS*® observations;

b. observe teacher candidates as part of the teacher preparation quality rating system; or

c. provide essential supports and services including, but not limited to, early intervention services, special education services, or mental health consultation.

2. Essential visitors must comply with the minimum health and safety standards in this Subchapter.

I. Medical or disability impact exceptions to any standard in this Chapter should be addressed on an individual basis by the LEA in accordance with local policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:

§4105. Local Education Agency (LEA) Reopening Policies and Plans

A. Prior to the beginning of the 2020-2021 school year, each local school board must adopt policies in accordance with the standards outlined in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:

COMPARISON DOCUMENT

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 1. General Provisions

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b. observe teacher candidates as part of the teacher preparation quality rating system; or

c. provide essential supports and services including, but not limited to, early intervention services, special education services, or mental health consultation.

2. Essential visitors must comply with the minimum health and safety standards in this Subchapter.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:

§4105. Local Education Agency (LEA) Reopening Policies and Plans

A. Prior to the beginning of the 2020-2021 school year, each local school board must adopt policies in accordance with the standards outlined in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:

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 CXXXIX. Bulletin 126—Charter Schools

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:

I. WILL THE PROPOSED RULE AFFECT THE STABILITY OF THE FAMILY?

(X) 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?

(X) No
( ) Yes
( ) Lacks sufficient information to determine.

3. WILL THE PROPOSED RULE AFFECT THE FUNCTIONING OF THE FAMILY?

(X) No
( ) Yes
( ) Lacks sufficient information to determine

4. WILL THE PROPOSED RULE AFFECT FAMILY EARNINGS AND FAMILY BUDGET?

(X) No
( ) Yes
( ) Lacks sufficient information to determine

5. WILL THE PROPOSED RULE AFFECT THE BEHAVIOR AND PERSONAL RESPONSIBILITY OF CHILDREN?

(X) 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
(X) Yes
( ) Lacks sufficient information to determine

Signature of Contact Person: Ryan Gremillion

Date Submitted: 8/9/2020

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 CXXXIX. Bulletin 126—Charter Schools

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:

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

(X) No
( ) Yes
( ) Lacks sufficient information to determine

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

( ) No
(X) Yes
( ) Lacks sufficient information to determine

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

(X) No
( ) Yes
( ) Lacks sufficient information to determine

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

(X) 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?

(X) No
( ) Yes
( ) Lacks sufficient information to determine

Signature of Contact Person: Ryan Gremillion

Date Submitted: 8/9/2020

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, Oct 10, 2020, 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 Baton Rouge, LA

Rule Title: Part CXXXIX. Bulletin 126—Charter Charter Schools

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 will result a significant increase in expenditures for charter schools, both those considered local education agencies (LEAs) and those that operate within a school district. Some charter schools may experience disproportionate impacts due to the size of available fund balances and their reliance on city and parish school systems for sales or ad valorem tax revenues.

Costs are associated with the following instructional modifications, purchases, and services, and are contingent upon the public health constraints imposed by each phase of the reopening process as established through the Governor's executive order: the purchase and installation of partitions and costs associated with other facility modifications to implement group size restrictions in classrooms and other school facilities, provide for isolation areas, and address entry and exit points; additional staffing to accommodate static groups, maintain special education services, increased custodial services, as well as the potential need for long-term coverage for substitute teachers; purchase of thermometers and personal protective equipment (PPE) to monitor students and staff for symptoms of COVID-19; purchase of cleaning and disinfecting supplies for daily cleaning of high-touch surfaces and other school spaces; and the purchase of hygienic supplies, including soap, hand sanitizer, disinfectant wipes or spray, paper towels, tissues, and face coverings. Charter schools may incur significant costs associated with transportation due to limits on school bus capacity, including additional fuel for new routes and additional school buses and drivers for expanded fleet size; costs will vary by geography, student characteristics, and whether school buses are district-owned or contracted. Student programming determinations (distance or in-person instruction) may involve costs to the extent additional technology purchases, expanded server capacity, professional development, and assistance to families without internet access are required.

The amount of these expenditures is indeterminable at this time and will vary by charter school. Additional unforeseen costs may arise due to the unpredictability of operating during a pandemic, such as school staffing and attendance levels, consumption rate of hygienic supplies, and other factors. Further, it is unclear how schools will interpret provisions in the proposed rules that permit implementation "to the greatest extent possible"; this will likely vary by charter school.

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

Local charter schools will receive additional federal revenues to assist in offsetting the increased costs. In April 2020, the Department of Education (LDE) received nearly $287 million in federal relief funding through the Coronavirus Aid, Relief and Economic Security (CARES) Act. The Department has notified school systems of their Elementary and Secondary School Emergency Relief (ESSER) Fund allocations totaling $258 million.

Because allocations to LEAs are based on their proportional share of Title I, Part A subgrants, allocations for charter schools with fewer economically disadvantaged students may not be sufficient to offset costs. Charter schools must apply to the LDE for funds and distributions must be made by the LDE within one year of receipt. Schools must obligate funds by September 30, 2022. Per U.S. Department of Education guidance, charter schools that are considered LEAs (types 2, 3B, and 5) are eligible for an ESSER subgrant as any other LEA. A charter school that is not a LEA (types 1, 3, and 4) may not receive a formula subgrant, but it will receive support through the LEA of which it is a part.

In addition to receiving a formula allocation of ESSER funds, LEAs were eligible to apply for $25 million in ESSER incentive grants to support priorities enumerated in the LDE *Strong Start 2020* guidelines, including curricular materials and professional development for continuous learning, postsecondary planning for high school students and recent graduates, supports for students with disabilities, and assistance with developing professional learning and adaptive staffing plans. In June 2020, BESE approved ESSER incentive grant allocations to districts. CARES Act funds included the Governor's Emergency Education Relief (GEER) Fund for Governors to support LEAs to continue to provide educational services and on-going functionality. The LDE allocated $32.3 M to LEAs based on a needs assessment for devices and internet connectivity.

In July, the LDE was awarded $17 million through the Rethink K-12 Education Models Grant to provide over 75,000 students access to microgrants for remote learning resources, including at least 12,000 students who will receive devices or hotspots through the program. Finally, the LDE is collaborating with the Governor's Office of Homeland Security and Emergency Management (GOHSEP) to assist districts with the purchase and distribution of personal protective equipment, including reusable and disposable face masks for faculty, staff, students, and visitors, and at least three thermometers per school.

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

In the event a charter school chooses to provide virtual education or a hybrid of virtual education and in-person education, families may experience reduced earnings through lost wages as well as increased childcare expenses on those days in which virtual education is offered. According to an April 2020 distance learning survey conducted by the LDE, approximately 34% of students do not have home internet access and 28% do not have access to a school-issued personal tablet or computer; families may incur costs associated with technology purchases and internet access. Additionally, families may experience costs to the extent they need to secure alternative means of school transportation due to limitations on school bus capacity. The amount of these costs will vary by family and are indeterminable at this time.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There may be increased demand for substitute teachers, school bus drivers and custodial services as a result of the proposed rules on group sizes, hygienic and cleaning requirements, and transportation capacity.

Signature of Agency Head or Designee

Legislative Fiscal Officer or Designee

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

8/10/2020
Date of Signature

8/11/20
Date of Signature

LFO 10/04

RECEIVED
AUG 11 2020
Legislative Fiscal Office

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).

On June 25, 2020, the Louisiana Department of Education (LDE), in partnership with the Louisiana Department of Health (LDH) and the Resilient Louisiana Commission, released Strong Start 2020: Guidelines and Resources for School Reopening, which provide guidance for how schools across the state may reopen for the 2020-2021 school year by taking actions to reduce the spread of COVID-19. Specifically, Strong Start 2020 includes best practices and guidelines for districts relative to bus capacity, student group size, student symptom monitoring, face coverings, and food prep and meal service.

On June 30, 2020, the Louisiana Legislature passed House Bill 59 of the 2020 First Extraordinary Session. The bill was signed into law by Governor John Bel Edwards on July 7, 2020, and became Act 9. Act 9 requires the State Board of Elementary and Secondary Education (BESE) to adopt, no later than July 15, 2020, emergency rules informed by the Centers for Disease Control and Prevention (CDC) guidelines to provide minimum standards, policies, medical exceptions, and regulations to govern the reopening of schools for the 2020-2021 school year.

In response to Act 9, the proposed policy shifts provide minimum health and safety standards, ensuring the protection of students, faculty, staff, and others on school property to the maximum extent possible and practical, for reopening school facilities for the 2020-2021 school year.

Additionally, the Department advised all school systems to have strong yet agile continuous education plans that provide standards-aligned instruction using high-quality curriculum during school facilities closures or modified operations, including provisions for: 1:1 device and internet access, including assistive technology for students with disabilities; a strategic communications plan to connect with every student on a daily basis, provide weekly feedback on students' work, and communicate a family's role in supporting their child's continuous learning; versatile delivery methods for instruction, related services, and professional development; adaptive staffing models that optimize teaching talent and student support; and flexible and opportunistic calendars and school schedules that maximize learning opportunities in a dynamic public health context.

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

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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.

   Yes.

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

   (a) ___X___ Yes. If yes, attach documentation.
   (b)_____ NO. If no, provide justification as to why this rule change should be published at this time.

The Coronavirus Aid, Relief and Economic Security (CARES) Act dedicated nearly $287 million in federal relief funding through the Elementary and Secondary School Emergency Relief (ESSER) Fund. In FY20, the Department submitted a declaratory letter and received budget authority for $45.3 million increase in federal funding. Act 1 of the 1st Extraordinary Session of 2020 provided an additional $241.7 million in federal funding for FY21.

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 to the LDE.

COSTS	FY20-21	FY21-22	FY22-23
PERSONAL SERVICES			
OPERATING EXPENSES			
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.

LDE will distribute federal funds to LEAs for the purpose of implementing this rule.

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

SOURCE	FY20-21	FY21-22	FY22-23
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED	-0-	-0-	-0-
DEDICATED			
FEDERAL FUNDS	Increase	INDETERMINABLE	INDETERMINABLE
OTHER (Specify)			
TOTAL	Increase	INDETERMINABLE	INDETERMINABLE

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 result a significant increase in expenditures for charter schools, both those considered local education agencies (LEAs) and those that operate within a school district. Some charter schools may experience disproportionate impacts due to the size of available fund balances and their reliance on city and parish school systems for sales or ad valorem tax revenues.

Costs are associated with the following instructional modifications, purchases, and services, and are contingent upon the public health constraints imposed by each phase of the reopening process as established through executive order: the purchase and installation of partitions and costs associated with other facility modifications to implement group size restrictions, provide for isolation areas, and address entry and exit points; additional staffing to accommodate static groups, maintain special education services, increased custodial services, as well as the potential need for long-term coverage for substitute teachers; purchase of thermometers and personal protective equipment (PPE) to monitor students and staff for symptoms of COVID-19; purchase of cleaning and disinfecting supplies for daily cleaning of high-touch surfaces and other school spaces; and the purchase of hygienic supplies, including soap, hand sanitizer, disinfectant wipes or spray, paper towels, tissues, and face coverings. Charter schools may incur significant costs associated with transportation due to limits on school bus capacity, including additional fuel for new routes and additional

school buses and drivers for expanded fleet size; costs will vary by geography, student characteristics, and whether school buses are district-owned or contracted. Student programming determinations (distance or in-person instruction) may involve costs to the extent additional technology purchases, expanded server capacity, professional development, and assistance to families without internet access are required.

The amount of these expenditures is indeterminable at this time and will vary by charter schools. Additional unforeseen costs may arise due to the unpredictability of operating during a pandemic, such as school staffing and attendance levels, consumption rate of hygienic supplies, and other factors. Further, it is unclear how schools will interpret provisions in the proposed rules that permit implementation "to the greatest extent possible"; this will likely vary by charter school.

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

   Local school districts are funded with a mix of state (MFP), local, and federal funds. To the extent federal CARES Act funds are insufficient to offset increased costs, all other revenue sources will be impacted.

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 revenue collections of state and local governmental units.

REVENUE INCREASE/DECREASE	FY20-21	FY21-22	FY22-23
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF GENERATED	-0-	-0-	-0-
RESTRICTED FUNDS*	-0-	-0-	-0-
FEDERAL FUNDS	Increase	Indeterminable	Indeterminable
LOCAL FUNDS	Increase	Indeterminable	Indeterminable
TOTAL	Increase	Indeterminable	Indeterminable

*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.

Local charter schools will receive additional federal revenues to assist in offsetting the increased costs. In April 2020, the Department of Education (LDE) received nearly $287 million in federal relief funding through the Coronavirus Aid, Relief and Economic Security (CARES) Act. The Department has notified school systems of their Elementary and Secondary School Emergency Relief (ESSER) Fund allocations totaling $258 million. Because allocations to LEAs are based on their proportional share of Title I, Part A subgrants, allocations for charter schools with fewer economically disadvantaged students may not be sufficient to offset costs. Charter schools must apply to the LDE for funds and distributions must be made by the LDE within one year of receipt. Schools must obligate funds by September 30, 2022. Per U.S. Department of Education guidance, charter schools that are considered LEAs (types 2, 3B, and 5) are eligible for an ESSER subgrant as any other LEA. A charter school that is not a LEA (types 1, 3, and 4) may not receive a formula subgrant, but it will receive support through the LEA of which it is a part.

In addition to receiving a formula allocation of ESSER funds, LEAs were eligible to apply for $25 million in ESSER incentive grants to support priorities enumerated in the LDE *Strong Start 2020* guidelines, including curricular materials and professional development for continuous learning, postsecondary planning for high school students and recent graduates, supports for students with disabilities, and assistance with developing professional learning and adaptive staffing plans. In June 2020, BESE approved ESSER incentive grant allocations to districts. CARES Act funds included the Governor's Emergency Education Relief (GEER) Fund for Governors to support LEAs to continue to provide educational services and on-going functionality. The LDE allocated $32.3 M to LEAs based on a needs assessment for devices and internet connectivity.

In July, the LDE was awarded $17 million through the Rethink K-12 Education Models Grant to provide over 75,000 students access to microgrants for remote learning resources, including at least 12,000 students who will receive devices or hotspots through the program. Finally, the LDE is collaborating with the Governor's Office of Homeland Security and Emergency Management (GOHSEP) to assist districts with the purchase and distribution of personal protective equipment, including reusable and disposable face masks for faculty, staff, students, and visitors, and at least three thermometers per school.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS 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 costs to families with children enrolled at charter schools.

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.

In the event a charter school chooses to provide virtual education or a hybrid of virtual education and in-person education, families may experience reduced earnings through lost wages as well as increased childcare expenses on those days in which virtual education is offered. According to an April 2020 distance learning survey conducted by the LDE, approximately 34% of students do not have home internet access and 28% do not have access to a school-issued personal tablet or computer; families may incur costs associated with technology purchases and internet access. Additionally, families may experience costs to the extent they need to secure alternative means of school transportation due to limitations on school bus capacity. The amount of these costs will vary by family and are indeterminable at this time.

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.

There may be increased demand for substitute teachers, school bus drivers and custodial services as a result of the proposed rules on group sizes, hygienic and cleaning requirements, and transportation capacity.