

NOTICE OF INTENT

Board of Elementary and Secondary Education

Implementation of Education Acts of the 2025 Regular Legislative Session
(LAC 28:CXIII.1909)
(LAC 28:CXXXIX.305, 503, 1603, 2103, 2509, 4003, and 4313)
(LAC 28:CLV.103, 303, 311, and 1109)
(LAC 28:CLVII.307)

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 (BESE) proposes to amend LAC 28:CXIII in *Bulletin 119—Transportation*, LAC 28:CXXXIX in *Bulletin 126—Charter Schools*, LAC 28:CLV in *Bulletin 134—Tuition Donation Rebate Program*, and LAC 28:CLVII in *Bulletin 135—Health and Safety*. During the 2025 Regular Legislative Session, laws were enacted that require revisions to Board of Elementary and Secondary Education (BESE) policy to include:

- *Bulletin 119—Transportation*
 - Act 42. Transportation network companies
- *Bulletin 126—Charter Schools*
 - Act 413. Charter school start up loan fund
 - Act 129. Charter school assets
 - Act. 497. Expulsion exception
- *Bulletin 134—Tuition Donation Rebate Program*
 - Act 282. Lab schools and tuition donation program
 - Act 403. Tax credit for donations to school tuition organizations
- *Bulletin 135—Health and Safety*
 - Act 402. Diabetes information

Further revisions to *Bulletin 126* are proposed to clarify processes for criminal background checks, update application submission, and include an attestation of compliance.

Title 28

EDUCATION

Part CXIII. *Bulletin 119—Louisiana School Transportation Specifications and Procedures*

Chapter 19. Transporting Students

§1909. Alternate Means of Transportation

A. A local public school board may contract with a transportation network company to transport students under the age of eighteen to or from a school or school related activity when the transportation network company is in compliance with R.S. 17:166.1.

B. Driver Requirements.

1. The driver is at least twenty-one years of age and possesses a valid Louisiana driver’s license for a minimum of three years.
2. The driver has undergone a background check process which includes:
 - a. a national and state fingerprint-based criminal background check through the Bureau of Criminal Identification and Information in the Office of State Police pursuant to R.S. 15:587.1 and R.S. 17:15; and
 - b. a clear Louisiana DCFS child abuse and neglect screen.
3. The company shall provide child safety education to the driver, to include:
 - a. safe driving practices;
 - b. first aid and CPR;
 - c. special considerations for transporting students with disabilities;
 - d. safe pick-up and drop-off procedures; and
 - e. laws on proper child restraint systems.

C. Minimum Safety and Technology Requirements.

1. The company shall implement a technology-enabled solution that:
 - a. provides end-to-end viability of the ride and GPS tracking of the ride in real-time for the company, the passenger’s legal guardian, and if different from the legal guardian, the person or entity who scheduled the ride;
 - b. monitors the ride in real-time for safety-related anomalies; and
 - c. provides the passenger’s legal guardian with the ability to contact the driver and the company directly.
2. The company shall implement ride-tracking technology that allows for the detection of the following driving behaviors:
 - a. device use;
 - b. speeding;
 - c. hard turning;
 - d. hard braking;
 - e. hard acceleration; and
 - f. collision detection.

D. Vehicle Minimum Standards. The company shall ensure that vehicles used to provide services are vehicles originally designed for not more than eight passengers, including the driver; no more than thirteen years old; and annually inspected by a mechanic.

1. The driver shall complete and document a daily pre-trip inspection before providing a ride pursuant to a contract.

- 2. The pre-trip inspection shall list any defects of deficiencies which would affect the safety of operation of the vehicle. Prior to performing services, any noted defects or deficiencies listed in the annual or pre-trip inspection shall be repaired or corrected.
- 3. If no defects or deficiencies are discovered by or reported to the driver, the documented inspection shall so indicate.
- E. The company shall maintain commercial automotive insurance that does not contain an exclusion for the transportation of an unaccompanied minor.
- F. The company shall publish an annual safety report on its website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:166.1.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Part CXXXIX. *Bulletin 126—Charter Schools*
Chapter 3. Charter School Authorizers
§305. BESE Duties Relating to Charter Schools

- A. ...
 - 1. Repealed.
 - 2. – 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3983.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1359 (July 2008), amended LR 37:2383 (August 2011), LR 51:

Chapter 5. Application and Approval Process for BESE-Authorized Charter Schools
§503. Eligibility to Apply for a Type 2 Charter School

- A. – A.3. ...
 - a. At the time of application, all new operators and/or experienced operators not currently operating a charter school in Louisiana must undergo a criminal background check for each board member identified with the submission of the full application. The request for information shall be from the Bureau of Criminal Identification and Information and the Federal Bureau of Investigation concerning whether the person has been arrested for, convicted of, or pled nolo contendere to any criminal offense.
 - b. Subsequent board member nominations or replacements shall also be required to undergo the required criminal background check upon appointment.
- 4. – 5.e. ...
- 6. Applicants who have been denied or have withdrawn an application during an application cycle to BESE for a Type 2 or 4 charter may not reapply to BESE until the subsequent calendar year, provided the applicant meets eligibility criteria in accordance with this Part.

- B. – F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3973, R.S. 17:3981, R.S. 17:3982, R.S. 17:3983, and R.S. 17:3991.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1360 (July 2008), amended LR 37:868 (March 2011), LR 38:3117 (December 2012), LR 39:1431 (June 2013), LR 39:3064 (November 2013), LR 44:232 (February 2018), LR 47:571 (May 2021), LR 51:37 (January 2025), LR 51:

Chapter 16. School Closure
§1603. Asset Transfer for Charter School Closures

- A. If the charter agreement of Type 1, 3, or 3B charter school is revoked or the school otherwise ceases to operate, all assets purchased by the charter school with any public funds becomes the property of the chartering authority.
- B. If the charter agreement of a Type 2 charter school that was previously any other type of charter school is revoked or the school otherwise ceases to operate, any property owned by the local school board that was used by the charter school prior to such revocation or cessation operation remains the property of the local school board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3973, R.S. 17:3981, R.S. 17:3982, R.S. 17:3983, and R.S. 17:3991.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 51:

Chapter 21. Charter School Governance
§2103. Board Member Responsibilities

- A. – J. ...
- K. Beginning January 1, 2026, the board chair of BESE-authorized charter schools shall submit signed attestations of compliance with all requirements set forth by LDOE in accordance with this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1370 (July 2008), amended LR 37:874 (March 2011), amended LR 50:657 (May 2024), LR 51:270 (February 2025), LR 51:

Chapter 25. Charter School Fiscal Responsibilities
§2509. Assets of BESE-Authorized Charter Schools

- A. – E. ...
 - F. If a Type 1, 3, or 3B charter school is approved for conversion to a Type 2 charter school, all assets purchased with any public funds prior to such conversion shall remain the property of that charter school for the duration of the charter agreement with BESE, subject to federal regulations applicable to any federal funding source used for the purchase.
- AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3991, R.S. 3983(B)(2), and R.S. 17:3995.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1373 (July 2008), amended LR 39:3252 (December 2013), LR 44:242 (February 2018), LR 51:

Chapter 40. Charter School Autonomy
§4003. Applicability of State Laws

- A. – A.23. ...
24. reporting by a school employee employed by the governing authority of a public elementary or secondary school of his arrest for one or more of the specified offenses relative to sexual morality affecting minors, R.S. 17:16, any of the crimes provided in R.S. 15:587.1, or any substantiated allegation of child abuse or neglect on file in the central registry pursuant to Article 615 of the Children's Code;
25. – 45. ...
46. Student records, R.S. 17:112.
47. Vocational and technical education, R.S. 17:183.4.
48. Child health and safety minimum standards, R.S. 17:407.41.
49. School nutrition, R.S. 17:193.3.
50. Cameras in special education classrooms, R.S. 17:1948.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3996.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), amended LR 48:1269 (May 2022), LR 50:178 (February 2024), LR 50:657 (May 2024), repromulgated LR 50:783 (June 2024), amended LR 51:42 (January 2025), LR 51:

§4313. Reasons for Expulsions

- A. – A.3.c. ...
4. Any student in sixth grade and above found guilty of being in possession of tobacco, alcohol, or vaping products or found guilty on first occurrence of being in possession of marijuana, tetrahydrocannabinol, or any chemical derivative thereof on school property, on a school bus, or at a school-sponsored event, may be recommended for expulsion.
5. – 6. ...
7. A student in grades six through twelve found guilty of being in possession of marijuana, tetrahydrocannabinol, or any derivative thereof shall not be subject to the provisions of Paragraph 5 of this Subsection unless the offense is the second or subsequent occurrence.

B. – D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1003 (April 2022), amended LR 51:43 (January 2025), LR 51:

Part CLV. Bulletin 134—Tuition Donation Rebate Program
Chapter 1. General Provisions
§103. Definitions

- A. – A.2. ...
- Administrative Costs*—all costs and expenses associated with the operation of a school tuition organization, including promotional costs and the costs associated with administering state testing, other than scholarship awards. Administrative costs shall not exceed 5 percent of any donation.

Qualified School—a nonpublic elementary or secondary school in Louisiana which is approved by the Board of Elementary and Secondary Education (BESE) or public elementary or secondary laboratory school operated by a public college or university in Louisiana and which complies with the criteria set forth in *Brumfield, et al. v. Dodd, et al.*, 425 F. Supp 528.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6301.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1024 (April 2013), amended LR 41:41 (January 2015), LR 42:553 (April 2016), LR 43:2480 (December 2017), LR 51:

Chapter 3. School Tuition Organizations
§303. Awarding of Scholarships

- A. – G. ...
- H. Any qualified student receiving a scholarship from a school tuition organization may receive any other publicly funded scholarship, voucher, or other form of public financial assistance specific to that student for purposes of attending a nonpublic school.
- I. A qualified student may receive scholarships from multiple school tuition organizations the total amount of which may not exceed the lesser of actual tuition and mandatory fees at the qualified school or:

1. – 2. ...
- J. The sum of scholarships received by each qualified student from school tuition organizations and any other publicly funded scholarship, voucher, or other form of financial assistance specific to that student for purposes of attending a nonpublic school shall not exceed the actual tuition and fees at the qualified school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6301.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 39:1025 (April 2013), amended LR 40:499 (March 2014), LR 41:41 (January 2015), LR 42:554 (April 2016), LR 51:

§311. Scholarship and Tuition Payments

- A. School tuition organizations shall distribute scholarship payments on a quarterly basis each year as payments made out to a parent of a qualified student that are mailed to the qualifying school where the student is enrolled. The parent shall approve the payment for deposit into the account of the school. If the payment is made by check, the parent may endorse the check electronically.

The parent shall not designate any entity or individual associated with the school as the parent's attorney to endorse a scholarship check.

B. ...

C. The LDOE shall verify that each qualified student has received scholarships from school tuition organizations not to exceed the lesser of actual tuition and fees at the qualified school or 80 percent of the state average MFP per pupil funding amount for the previous year in the case of a qualified student enrolled in kindergarten-eighth grade, or 90 percent of the state average MFP per pupil funding amount for the previous year in the case of a qualified student enrolled in ninth-twelfth grade. If the total amount of scholarships received from school tuition organizations by a qualified student has exceeded one of these amounts, as applicable, the school tuition organization that awarded the scholarship that caused the student's total scholarship amount to exceed this amount shall refund the state the difference.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6301.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1025 (April 2013), amended LR 40:499 (March 2014), LR 43:2481 (December 2017), LR 51:

Chapter 11. Qualified Schools
§1109. Testing of Scholarship Students

A. Using funds retained for administrative costs by the school tuition organization, schools enrolling participating students shall annually administer either any examination in ELA and mathematics required pursuant to the school and district accountability system at the prescribed grade level or a nationally norm-referenced test or assessment approved by BESE.

B. – C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6301.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1028 (April 2013), amended LR 40:500 (March 2014), LR 51:

Part CLVII. *Bulletin 135—Health and Safety*
Chapter 3. Health
§307. Diabetes Information, Management, and Treatment

A. - I.6.

J. Distribution of Type I Diabetes Information. The LDOE shall provide informational materials developed by LDH to each LEA. Each LEA shall distribute the information to parents and legal guardians of all pre-k, elementary, and secondary students upon enrollment and annually thereafter by posting the information on the school website or by electronic distribution. The information includes, but is not limited to:

1. a description of type 1 diabetes;
2. a description of the risk factors and warning signs associated with type 1 diabetes;
3. a description of the need for screening of all students for early detection of type 1 diabetes using a blood autoantibody test; and
4. a recommendation that a parent or guardian of a student displaying warning signs associated with type 1 diabetes or positive early detection screening results should immediately consult with the student’s primary care provider to develop an appropriate treatment plan. The treatment plan may include consultation with and examination by a specialty care provider, including but not limited to a properly qualified endocrinologist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:436.3, and R.S. 17:436.3.1.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Board of Nursing, LR 39:1033 (April 2013), amended LR 39:2194 (August 2013), LR 39:3069 (November 2013), LR 51:

Family Impact Statement
In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? Yes.
6. Is the family or local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement
In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules 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 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? Yes.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis
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, October 10, 2025, to Tavares Walker, 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 Tavares Walker, 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.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Implementation of Education Acts of the 2025 Regular Legislative Session

(LAC 28:CXIII.1909), (LAC 28:CXXXIX.305, 503, 1603, 2103, 2509, 4003, and 4313), (LAC 28:CLV.103, 303, 311, and 1109), and (LAC 28:CLVII.307)

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change updates LAC 28:CXIII in *Bulletin 119—Transportation*, LAC 28:CXXXIX in *Bulletin 126—Charter Schools*, LAC 28:CLV in *Bulletin 134—Tuition Donation Rebate Program*, and LAC 28:CLVII in *Bulletin 135—Health and Safety* as a result of legislation enacted following the 2025 Regular Session.

Act 42, regarding transportation network companies, is permissive and not mandatory. To the extent a city, parish, or other local school system opts to contract with a transportation network company to transport students under the age of 18, an increase in local fund expenditures is anticipated. However, such an expense will vary by school system and be dependent on the specific contract entered into.

Act 129 makes technical changes concerning the assets of charter schools. As a result, local school boards that are replaced by BESE as the chartering authority of a conversion school may realize an increase in expenditures to replace any assets no longer available to them. Alternatively, they may realize savings as responsibility for maintenance and upkeep of any immovable facilities will not be the responsibility of the system, for the length of time BESE manages the charter. Any impacts are expected to be situational and dependent on a variety of factors, including: (1) whether the local school board needs to acquire replacements for any assets transferred; (2) the number of schools converted within a specific school board’s jurisdiction; and (3) the quantity and type of assets involved.

Act 413 transfers administration of the Charter School Start-Up Loan Fund from BESE to DOA, requiring the repeal of one section in *Bulletin 126—Charter Schools*. There is no impact to expenditures as a result of these changes.

Act 402 requires the Louisiana Department of Health (LDH) to develop and provide type 1 diabetes information materials to LDOE and further requires LDOE to provide this information to local school boards who are to annually distribute it, via a school website or through electronic distribution methods, to the parents and legal guardians of all prekindergarten, elementary, and secondary students. LDH has supplied the diabetes information, and LDOE will distribute it through electronic communication streams already in use.

Act 497 permits school systems to consider disciplinary actions other than zero tolerance for certain first offense findings. There is no anticipated impact to governmental expenditures as a result of this change.

Acts 282 and 403 make changes to Student Tuition Organization (STO) laws, authorizing university laboratory schools to participate in the student tuition organization tax credit programs and allowing students to stack an STO scholarship and other publicly funded federal aid, up to the cost of tuition and mandatory fees or a given percentage of the MFP. LDOE will be required to provide additional calculations to support this provision, and this work will be accomplished using existing resources.

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

Changes regarding the hiring of transportation network companies to comply with Act 42 may increase the number of background checks performed, the Office of State Police (OSP) may realize an indeterminable, but not likely to be significant, increase in SGR. The proposed rule requires a transportation network employee transporting students under proposed legislation must complete a national and state fingerprint-based criminal background check through the Bureau of Criminal Identification and Information in OSP pursuant to R.S. 15:587.1 and R.S. 17:15(A)(1)(c). OSP charges \$31 for state background checks and \$12 for federal background checks. OSP retains \$2 of the \$12 fee charged for the federal background checks and remits the remainder to the Federal Bureau of Investigation. Concerning Act 403, the rule change does not impact the value of or eligibility for the nonrefundable income tax credit that taxpayers receive for donations to STOs.

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

Act 403 and its accompanying rule change will allow families to receive additional tuition funding sources for use in the LA GATOR Scholarship Program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Act 42 and its accompanying rule change may increase competition and employment as transportation network companies may be contracted to provide transportation services in certain situations.

Beth Scioneaux
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1905#

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