



# STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064 · PHONE: 225-342-5840 · FAX: 225-342-5843

August 10, 2020

## MEMORANDUM

**James Garvey**  
1<sup>st</sup> BESE District

**Kira Orange Jones**  
2<sup>nd</sup> BESE District

**Sandy Holloway**  
3<sup>rd</sup> BESE District

**Tony Davis**  
4<sup>th</sup> BESE District

**Ashley Ellis**  
5<sup>th</sup> BESE District

**Ronnie Morris**  
6<sup>th</sup> BESE District

**Holly Boffy**  
7<sup>th</sup> BESE District

**Preston Castille**  
8<sup>th</sup> BESE District

**Belinda Davis**  
Member-at-Large

**Thomas Roque**  
Member-at-Large

**Doris Voitier**  
Member-at-Large

**Shan N. Davis**  
Executive Director

**Cade Brumley**  
State Superintendent

TO: Senator Patrick Page Cortez, Senate President  
Representative Clay Schexnayder, Speaker of the House  
Senator Cleo Fields, Chair, Senate Committee on Education  
Representative Raymond E. Garofalo, Chair, House Committee on Education

FROM: Shan N. Davis, Executive Director  
Board of Elementary and Secondary Education

RE: Summary Report on Board of Elementary and Secondary Education Proposed Rulemaking

Pursuant to R.S. 49:968(D)(1)(b), the Board of Elementary and Secondary Education hereby submits to you this summary report and announces its plan to proceed with rulemaking by finalizing the July 20, 2020, Notice of Intent that was promulgated on pages 1003-1004 of the *Louisiana Register*.

The Board has received no comments or requests for a public hearing and has not conducted a hearing pursuant to R.S. 49:953(A)(2)(a).

The Board has made no change to the proposed Rule.

Subject to legislative oversight by either the House Committee on Education or Senate Committee on Education, the Board anticipates adopting the Notice of Intent as a final Rule in the October 20, 2020, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

Please contact Shannon Rawson at (225) 342-5841 if the Board may be of any assistance to you concerning this Rule.

SND:slr

Attachment (1)

- c: Shalyric Self, Secretary, Senate Committee on Education  
Cheryl Serrett, Analyst, Senate Committee on Education  
Elizabeth Borne, Legislative Analyst, House Committee on Education  
Lisa Lovello, Legislative Analyst, House Committee on Education  
Ryan Gremillion, Policy Director, Louisiana Department of Education  
Shan N. Davis, Executive Director, BESE  
Kevin Calbert, Communications Manager, BESE

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

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed policy revisions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition and employment as a result of the proposed revisions.

Beth Scioneaux  
Deputy Superintendent  
2007#040

Christopher Keaton  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Bulletin 118—Statewide Assessment Standards and Practices—LEAP 2025 Transfer Rules (LAC 28:XI.6829)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement to revise *Bulletin 118—Statewide Assessment Standards and Practices*. The proposed revisions removes the requirement that Louisiana public and/or scholarship school students, who earned a high school assessment-eligible course credit in the spring of the 2019-2020 school year, take the LEAP 2025 high school assessment that corresponds to course credits earned in the spring of 2020.

**Title 28  
EDUCATION**

**Part XI. Accountability/Testing**

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

**Chapter 68. LEAP 2025 Assessments for High School  
Subchapter C. LEAP 2025 for High School  
Administrative Rules**

**§6829. LEAP 2025 Transfer Rules  
[Formerly LAC 28:CXL1829]**

A. The following applies to a transfer student who is a Louisiana resident transferring into a Louisiana public school district from an out-of-state school, nonpublic school, or approved home study program.

1. - 3. ...

B. Exception. A student who earned a high school assessment-eligible course credit in the spring of the 2019-2020 school year in a Louisiana public or scholarship school, and has never taken the corresponding LEAP 2025 test for the course, does not need to take or pass the LEAP 2025 subject test for the course in order to meet graduation requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:978 (May 2010),

amended LR 37:820 (March 2011), LR 44:471 (March 2018), LR 46:

**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? No.

6. Is the family or a 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? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

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 the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. 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 12 p.m. (noon), August 9, 2020, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. 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  
RULE TITLE: Bulletin 118—Statewide Assessment  
Standards and Practices—LEAP 2025 Transfer Rules**

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

The proposed revision to exempt transfer students from spring 2020 LEAP tests will result in a one-time savings to the Department of Education. While an average of 143,000 high school students are administered LEAP tests annually, it is unknown how many students will transfer into a Louisiana public school in the 2020-21 school year, and will therefore be exempt from statewide assessments through the proposed rule. One-time savings have been incorporated into the FY 2020-21 budget as a result of repurposing test forms intended for spring 2020 assessments that were not administered in FY 2019-20 due to COVID-19 related school closures.

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

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

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**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

There are no estimated effects on competition and employment as a result of the proposed revisions.

Beth Scioneaux  
Deputy Superintendent  
2007#041

Christopher Keaton  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 139—Louisiana Child Care and Development  
Fund Programs—CCAP Household Eligibility  
(LAC 28:CLXV.509)

In accordance with R.S. 17:6 and R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education proposes to amend *Bulletin 139—Louisiana Child Care and Development Fund Programs*. The proposed amendments create a limited exception, allowing families to qualify for the Child Care Assistance Program (CCAP) while seeking employment or enrolling in school.

**Title 28  
EDUCATION**

**Part CLXV. Bulletin 139—Louisiana Child Care and  
Development Fund Programs  
Chapter 5. CCAP Household Eligibility  
§509. Certification Requirements for Non-  
Categorically Eligible Households**

A. - A.5.d. ...

e. Exception. If the head of household is actively seeking employment and/or training, the employment and/or training requirements for household certification provided for in this Paragraph may be waived for 90 days.

i. To become certified as a CCAP household in accordance with this exception, the household must meet all certification requirements in this Section other than the employment and/or training activities required in this Paragraph, and must submit all documentation required for certification, as well as documentation establishing that the head of household is actively seeking employment and/or training.

ii. A household certified for CCAP in accordance with this exception will be certified for 90 days, beginning on the day the household is certified. At the end of 90 days from the date of certification, certification under this exception ends. However, during the 90-day certification period, if the head of household submits documentation establishing employment and/or training, meeting the requirements in Subparagraph a of this Paragraph, then the household may continue to be certified without interruption in accordance with the general certification requirements in this Section.

iii. An application for household certification under this exception will be denied if the household has previously been certified under this exception within the past 24 months.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 and 17:407.28 and 45 CFR parts 98 and 99.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016), amended LR 42:2175 (December 2016), LR 44:261 (February 2018), effective March 1, 2018, LR 45:900 (July 2019), LR 46: