



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

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2nd BESE District

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3rd BESE District

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Member-at-Large

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 1004-1006 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

Shan N. Davis
Executive Director

Cade Brumley
State Superintendent

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)**

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#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:

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 139—Louisiana Child Care and Development Fund Programs CCAP Household Eligibility

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

There will be indeterminable cost increases to the Department of Education (LDE) for FY 21 through FY 23 through federal Child Care Development Fund (CCDF) expenses as a result of the proposed revisions to expand eligibility to households actively seeking employment and/or training. Because families would be eligible for these services for up to 90 days under the proposed rule, costs may exceed \$2.7 million during that time period. Increased costs will continue to increase for the remainder of FY 21 and at an indeterminable rate into FY 22 and FY 23. It is unknown how many households will qualify for CCAP under this provision due to multiple factors, such as the number of new applicants per month, the number deemed eligible, the number of households that become certified for CCAP during the 90 day period, and future economic conditions of the state and the resulting unemployment rate.

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)

Eligible CCAP households will realize economic benefits as a result of the proposed revisions. The current Louisiana unemployment rate is recorded at approximately 14 percent. As a result, many CCAP families are unable to meet the training and/or employment requirements contained in Bulletin 139. In response, these proposed revisions would create a limited 90 day exception, allowing families to qualify for the Child Care Assistance Program (CCAP) while seeking employment or enrolling in school.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed policy revisions will have no effect on competition, however employment may increase as a result of more families having access to child care services. More child

care centers may be able to re-open or remain open as a result of increased CCAP participation.

Beth Scioneaux
Deputy Superintendent
2007#042

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel Deaf or Hard of Hearing; Certification; Accredited Institutions; Teaching Authorizations; and Montessori Training Providers (LAC 28:CXXXI.Chapters 2-7, 803, 805, 1103, 1105, 1203, 1205, and 1305)

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:CXXXI (Bulletin 746). Proposed amendments will align state regulations with the *Code of Federal Regulations* and clarify requirements that are either outdated or inconsistent, by:

- aligning terminology with state guidelines by replacing references to “hearing impaired” with “deaf or hard of hearing;”
- updating eligibility requirements for the child nutrition program supervisor certification to align with federal regulations;
- aligning terminology with new federal regulations relative to national accreditation by replacing references to “regionally-accredited” institutions with “institutions accredited in accordance with 34 CFR 602”;
- removing teacher qualifications that were aligned with 20 CFR, known as the federal “No Child Left Behind Act,” due to these federal regulations being repealed;
- updating requirements to permit the status for educators with standard certificates, ancillary certificates, and CTTIE certificates;
- allowing educators applying for an out-of-state (OS) certificate or a resident certificate to waive Praxis with a master’s degree, consistent with current regulations that allow this waiver for the issuance of a practitioner’s license and temporary authority to teach (TAT) authorizations;

D. Special Education Areas

Area	Content Exam	Score	Pedagogy Requirement	Score
All Special Education Area(s)				
Early Interventionist	Prior to 9/1/15:	150	Effective 1/1/12:	145
	Elementary Content Knowledge (0014 or 5014)	163	Special Education: Core Knowledge and Applications (0354 or 5354) and	157
	Effective 9/1/15 to 8/31/17	157	Principles of Learning and Teaching: Early Childhood (0621 or 5621)	159
	Elementary Education: Content Knowledge (5018)	157	Effective 1/1/14:	157
	OR	155	Special Education: Early Childhood (0691)	
	Elementary Education: Multiple Subjects (5001)	159	AND	
	• Reading/Language Arts(5002)	157	Principles of Learning and Teaching: Early Childhood (0621 or 5621)	
	• Mathematics (5003)	157		
	• Social Studies (5004)	155		
	• Science (5005)	159		
Mandatory 9/1/17: Elementary Education: Multiple Subjects (5001)				

- allowing a letter of eligibility for educational leadership 1 certificates that is consistent with current regulations that allow this for the OS certificate only;
- updating advancement and renewal requirements for non-public certificates to align with advancement and renewal requirements for public certificates;
- aligning type C renewal requirements with renewal requirements for level 1 certificates; and
- adding the International Montessori Council as a Montessori training provider.

**Title 28
EDUCATION**

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Chapter 2. Initial Teacher Certification

Subchapter A. Teacher Certification Areas and Required Competencies

§201. Overview

A. - C. ...

D. Certification Areas and Required Competencies

Certification Areas	Required Competencies

Special Education Certification Areas	
Early Interventionist Birth to Five Years	Subchapter H, Section 239.A
Hearing Impaired K-12—Repealed.	
	Subchapter D, Special Education Teacher Competencies
Deaf or Hard of Hearing K-12	Subchapter H, Section 239.B
Mild to Moderate Disabilities 1-5, 4-8, 6-12	Subchapter D, Special Education Teacher Competencies

	Subchapter D, Special Education Teacher Competencies
Visual Impairments/Blind K-12	Subchapter H, Section 239.C

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1783 (October 2006), amended LR 43:1291 (July 2017), LR 46:

Subchapter B. Testing Required for Certification Areas

§203. Certification Exams and Scores

(Formerly §243)

A. - C.2. ...
