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 11, 2026

MEMORANDUM

TO: Senator Cameron Henry, Senate President
Representative Phillip DeVillier, Speaker of the House
Senator Rick Edmonds, Chair, Senate Committee on Education
Representative Laurie Schlegel, Chair, House Committee on Education

FROM: Tavares A. Walker, 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, 2026, Notice of Intent that was promulgated on pages 1206-1212 of the *Louisiana Register*.

The Board has received no public comments 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, 2026, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

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

TAW:med

Attachment (1)

c: Caroline Tyler, Secretary, Senate Committee on Education
Elizabeth Borne, Legislative Analyst, House Committee on Education
Lisa Lovello, Legislative Analyst, House Committee on Education
Ashley Townsend, Assistant Superintendent, Louisiana Department of Education
Max Dupuy, Records Management Administrator, BESE

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 All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.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? 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 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, August 10, 2026, 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: Bulletin 741—Louisiana Handbook for School Administrators—Annual Reading of Required Literature

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

The proposed rule change may result in a one-time increase in expenditures for local education agencies associated with acquiring literary selections from the Louisiana Department of Education (LDOE) required classic literature list for school sites where the required titles are not already available. However, LDOE intends to allocate funds to school districts to offset these acquisition costs. Act 3 of the 2026 RS (the General Appropriations Bill) includes an appropriation of $2 M for this purpose.

Beginning with the 2027-2028 school year, the proposed rule change requires all kindergarten through eighth grade students and all high school students to annually read, with teacher guidance, at least one full-length literary selection from the LDOE required classic literature list. The requirement will be implemented within existing English language arts instructional time.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

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

The proposed rule change is not anticipated to result in costs to DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to have an effect on competition or employment in the public or private sectors.

Beth Scioneaux	Patrice Thomas
Deputy Superintendent	Deputy Fiscal Officer
2607#044	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Camps and Prekindergarten Programs
(LAC 28:LXXIX.107, 115, 116, 707, 905, and 3019;
LAC 28:CXV.325, 326, 345, 913, and 3703;
LAC 28:CLXI.103, 301, and 303; LAC 28:CLXV.103)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:LXXIX in *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators,* LAC 28:CXV in *Bulletin 741—Louisiana*

Handbook for School Administrators, LAC 28:CLXI in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations,* and LAC 28:CLXV in *Bulletin 139—Louisiana Child Care and Development Fund Programs.* The provisions were adopted as emergency rule effective June 4, 2026, to authorize immediate operation for summer 2026 and school opening for the 2026-2027 school year. The revisions revise the regulatory framework for camps as well as for prekindergarten programs operated by public and approved nonpublic schools and provide for monitoring and complaint processes.

Title 28
EDUCATION
Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

Chapter 1. Operation and Administration

§107. School Approval

A. - J. ...

K. BESE shall approve a prekindergarten program developed by a nonpublic school if the program meets the requirements of and maintains substantial compliance with the child safety and welfare standards in accordance with Chapter 30 of this Part. The school shall submit an attestation of compliance with the initial or annual renewal application.

L. BESE may revoke approval of a prekindergarten program operated by a nonpublic school at any time if the board determines that the program jeopardized the health, safety, or welfare of its students. If a nonpublic school operating a prekindergarten program demonstrates persistent or egregious noncompliance with the standards, the LDOE shall make a recommendation to BESE to deny the initial or renewal application of the prekindergarten program for the subsequent school year unless substantive assurance for compliance is provided by the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2342 (November 2003), amended LR 31:3073 (December 2005), LR 36:2847 (December 2010), LR 37:2145 (July 2011), LR 39:306 (February 2013), LR 39:1438 (June 2013), LR 39:3070 (November 2013), LR 50:174 (February 2024), LR 51:2053 (December 2025), LR52:

§115. Pre-Kindergarten/Kindergarten

A. The governing authority of any BESE-approved nonpublic elementary school may develop and offer a prekindergarten program of instruction. A parent who enrolls a child in such a program shall be provided the following information:

1. The program is operated by a school.
2. The program is not subject to federal daycare regulations pursuant to 45 CFR §98, or its successor.
3. The program is not an early learning center licensed by LDOE.
4. The monitoring and complaint processes as provided in R.S. 17:407.41.

B. - E. ...

F. Any other program which operates in a school as a childcare program shall follow standards in accordance with LAC 28:CLXI *Bulletin 137* and is not to be listed on the annual school report.

G. All prekindergarten programs shall comply with the child safety and welfare standards in accordance with §3019 of this Part, except as otherwise provided in §116 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3073 (December 2005), LR 36:2848 (December 2010), LR 38:1405 (June 2012), LR 39:1439 (June 2013), LR 52:

§116. Prekindergarten Program Monitoring

A. The LDOE shall conduct monitoring activities for compliance with the child safety and welfare standards in prekindergarten programs. Monitoring activities shall include an annual unannounced site visit and prompt response to reports of noncompliance with the child safety and welfare standards.

B. Any violation of the child safety and welfare standards shall be documented by the LDOE. Documentation shall include the specific standard violated and any corrective action taken and shall be posted on the corresponding page of the LDOE website.

C. The LDOE may issue a written warning to a school, which may include a corrective action plan, for any violation that does not pose an imminent threat to the health, safety, rights, or welfare of a child.

D. The LDOE shall provide written notification to the governing authority of a nonpublic school for any complaint received by the department regarding a prekindergarten program in the school.

E. A BESE accredited approved nonpublic school shall be exempt from the provisions of this Section contingent upon the following:

1. The school maintains accreditation in good standing with an accrediting organization recognized by BESE for the purpose of school approval;
2. The accrediting organization's standards include provisions addressing the supervision, health, safety, and welfare of students enrolled in a prekindergarten program operated by the accredited approved school that meet or exceed the child safety and welfare standards in accordance with §3019 of this Part; and
3. The school provides a written attestation to the LDOE, at the time of the annual school renewal application that the accrediting organization's standards meet or exceed the child safety and welfare standards in accordance with §3019 of this Part and provides documentation from the accrediting organization supporting the attestation.

F. A BESE non-accredited approved nonpublic school shall be exempt from the provisions of this Section if either of the following conditions are met:

1. The school meets all of the following criteria:
   a. The school remains a member in good standing with an association or organization recognized by BESE for the purposes of this Section;
   b. The association or organization's standards include provisions addressing the supervision, health, safety, and welfare of students enrolled in a prekindergarten program operated by a school that meet or exceed the child safety and welfare standards in accordance with §3019 of this Part; and

c. The school provides a written attestation to the LDOE, at the same time of its annual school approval application, that the association or organization's standards meet or exceed the child safety and welfare standards in accordance with §3019 of this Part and provides documentation from the association or organization supporting the attestation.

2. The LDOE recommends approval after an annual review of the school that may include site visits and shall include a review, at a minimum, of the health, safety, and welfare of the prekindergarten students.

G. A school, including a nonpublic school approved by BESE or a prekindergarten program attached thereto, that is operated by a federally recognized tribe pursuant to federal law, including the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), shall be exempt from the provisions of this Section. Nothing in this Subsection shall prohibit such a school or prekindergarten program from electing to seek or obtain approval by BESE.

H. A nonpublic school that operates a prekindergarten program and that does not receive any state or federal funds, either directly or indirectly, shall be exempt from the provisions of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7, R.S. 17:11, R.S. 17:24.8 R.S. 17:407.33, and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 52:

Chapter 7. Scheduling

§707. Class Size and Ratio

A. ...

B. The child-to-staff ratio for pre-kindergarten developmental programs for four year-olds shall not exceed 20 children for one teacher. Schools that choose to use the assistance of a full-time aide may have a maximum of 30 children per class.

C. ...

D. Effective beginning with the 2027-2028 school year, the child-to-staff ratio for a prekindergarten developmental program for five-year-olds shall not exceed 20 to 1.

E. BESE may waive the ratio requirements in this Section if the board determines, upon clear and convincing evidence, that the demonstrated economic impact is sufficiently great to make compliance impractical for the school despite diligent efforts, and that alternative mean have been put in place that ensure the health, safety, and well-being of students and staff.

1. An application for a waiver and all supporting documentation shall be submitted in writing to the LDOE using the request for waiver form located on the department website.

2. The department shall submit the waiver request to the appropriate BESE committee with an executive recommendation for action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2347 (November 2003), amended LR 31:3078 (December 2005), LR 38:1405 (June 2012), LR 39:1442 (June 2013), LR 52:

Chapter 9. Student Services

§905. Age Requirements

A. - C. ...

D. The minimum age for children attending a camp shall be three years old.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3078 (December 2005), LR 36:2848 (December 2010), LR 38:1405 (June 2012), LR 52:

Chapter 30. Health and Safety Rules and Regulations for Approved Non-Public School Three-Year-Old Programs

§3019. Child Safety and Welfare Standards

A. To ensure the safety and welfare of children, nonpublic school prekindergarten programs shall, at a minimum, meet standards in accordance with this Chapter.

B. ...

C. The child-to-staff ratios shall be in accordance with §707 of this Part.

1. - 6. Repealed.

D. An average of the child-to-staff ratios may be applied to mixed age groups of children.

E. - F. Repealed.

G. Only staff members directly providing care, supervision, or guidance to children shall be counted in the child-to-staff ratios. Except for transitions between activities or classrooms, the same staff members shall not be used to meet the ratio requirements for two different groups of children at the same time.

H. ...

I. Information regarding required child-to-staff ratios and a phone number to file complaints regarding supervision with LDOE, as applicable, shall be posted in each classroom in a location that is visible to parents.

J. - P. ...

Q. By August 1 annually, the LDOE shall provide an informational document to each prekindergarten program. Each school with a prekindergarten program shall distribute the document to the parents and legal guardians of all children enrolled in the program at the beginning of each school year and may distribute the document electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7, and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:2055 (December 2025), LR 52:

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 3. Operation and Administration

§325. Kindergarten and Prekindergarten

A. - D.2. ...

3. A parent who enrolls a child in such a prekindergarten program shall be provided the following information:

a. The program is operated by a school.

b. The program is not subject to federal daycare regulations pursuant to 45 CFR §98, or its successor.

c. The program is not an early learning center licensed by LDOE.

d. The monitoring and complaint processes as provided in R.S. 17:407.41.

E. - E.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.8, R.S. 17:151.3, and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1260 (June 2005), amended LR 39:2196 (August 2013), LR 49:249 (February 2023), repromulgated LR 49:855 (May 2023), amended LR 51:955 (July 2025), LR 52:

§326. Child Safety and Welfare Standards

A. To ensure the safety and welfare of children, all public prekindergarten programs shall, at a minimum, meet standards in accordance with this Chapter.

B. ...

C. The child-to-staff ratios shall be in accordance with §913 of this Part.

1. - 6. Repealed.

D. An average of the child-to-staff ratios may be applied to mixed age groups of children.

E. - F. Repealed.

G. Only staff members directly providing care, supervision, or guidance to children shall be counted in the child-to-staff ratios. Except for transitions between activities or classrooms, the same staff members shall not be used to meet the ratio requirements for two different groups of children at the same time.

H. Sufficient staffing needed to satisfy child-to-staff ratios shall be present during rest time and available to assist as needed. Children may be grouped together at rest time with one staff member in each room supervising the resting children.

I. Information regarding required child-to-staff ratios and a phone number to file complaints regarding supervision with LDOE, as applicable, shall be posted in each classroom in a location that is visible to parents.

J. - P. ...

Q. By August 1 annually, the LDOE shall provide an informational document to each prekindergarten program. Each school with a prekindergarten program shall distribute the document to the parents and legal guardians of all children enrolled in the program at the beginning of each school year and may distribute the document electronically.

R. Prekindergarten Program Monitoring.

1. The LDOE shall conduct monitoring activities for compliance with the child safety and welfare standards in prekindergarten programs. Monitoring activities shall include an annual unannounced site visit and prompt response to reports of noncompliance with the child safety and welfare standards.

2. Any violation of the child safety and welfare standards shall be documented by the LDOE. Documentation shall include the specific standard violated and any corrective action taken and shall be posted on the corresponding page of the LDOE website.

3. The LDOE may issue a written warning to a school, which may include a corrective action plan, for any violation that does not pose an imminent threat to the health, safety, rights, or welfare of a child.

4. The LDOE shall provide written notification to the superintendent of the LEA for any complaint received by the department regarding a prekindergarten program in the school.

S. If a public prekindergarten program demonstrates persistent or egregious noncompliance with the provisions of this Section, the city, parish, or other local school board shall consider closure of the program or other measures deemed necessary to protect the safety and welfare of the prekindergarten children enrolled in the program. Consideration shall be at a public meeting held in accordance with Louisiana Open Meetings Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7, and R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:2056 (December 2025), amended LR 52:

§345. Requesting Waivers of BESE Policy

A. - C.2.c.ii. ...

3. Prekindergarten Program Child-to-Staff Ratio Waivers.

a. The LEA shall provide a letter of justification documenting the clear and convincing evidence that the demonstrated economic impact is sufficiently great to make compliance impractical for the school despite diligent efforts. The letter shall include an explanation of the alternative means in place to ensure the health, safety, and well-being of students and staff.

b. A waiver granted under this Paragraph shall not relive a program of additional or more stringent requirements applicable by virtue of the program funding source, including any state or federal funding programs.

D. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.2(B)(5), R.S. 17:24.10(C)(1)(c), R.S. 17:151(B)(2), R.S. 17:192(B)(2), R.S.17:274(D), and R.S. 17:416.2(B).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1264 (June 2005), amended LR 39:2198 (August 2013), LR 46:1085 (August 2020), LR 51:2057 (December 2025), LR 52:

Chapter 9. Scheduling

§913. Class Size and Ratios

A. - D.1. ...

E. Pupil to teacher ratios for special education students shall be in accordance with LAC 28:XLIII *Bulletin 1706*.

F. Effective beginning with the 2026-2027 school year, the child-to-staff ratio for public school prekindergarten programs shall not exceed the following:

1. four years old, 20 to 1.
2. five years old, 20 to 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151 and R.S. 17:174.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1272 (June 2005), amended LR 39:2205 (August 2013), LR 52:

Chapter 37. Glossary

§3703. Definitions

* * *

Board or *BESE*—the state Board of Elementary and Secondary Education.

Camp—any place or facility operated by any institution, society, agency, corporation, person or persons, or any group which meets any of the following:

1. Serves only children three years of age or older only when school is not in session during the summer months or school holidays.

2. Is a tax exempt church or religious organization in accordance with 26 U.S.C. 501(c) of the Internal Revenue Code that operates a Vacation Bible School, Bible Camp, or religious camp for children of any age.

3. Operates only an after-school or weekend extracurricular, academic, or athletic program, including any competition related to the program, or an after-school or weekend tutoring program or other educational or enrichment program.

* * *

Prekindergarten—developmental programs for children ages 3-4, the minimum age being four by September 30 of the school year in which the student enters pre-kindergarten.

* * *

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 31:1316 (June 2005), amended LR 39:2231 (August 2013), LR 46:1673 (December 2020), amended LR 48:34 (January 2022), LR 49:648 (April 2023), LR 50:1149 (August 2024). LR 52:

Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations

Chapter 1. General Provisions

§103. Definitions

* * *

CCCBC—child care criminal background check.

Camp—any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group which meets any of the following:

1. Serves only children three years of age or older only when school is not in session during the summer months or school holidays.
2. Is a tax exempt church or religious organization in accordance with 26 U.S.C. 501(c) of the Internal Revenue Code that operates a Vacation Bible School, Bible Camp, or religious camp for children of any age.
3. Operates only an after-school or weekend extracurricular, academic, or athletic program, including any competition related to the program, or an after-school or weekend tutoring program or other educational or enrichment program.

* * *

Disqualification Period—the prescriptive period during which a center shall not be qualified to submit an application for licensure after its license has been revoked, renewal has been refused or its license has been surrendered to avoid adverse action due to failure to comply with licensing laws, regulations or minimum standards.

Early Learning Center—any child day care center, early head start center, head start center, or stand-alone early learning program that is not part of an elementary school as defined in R.S. 17:236. The definition does not include grades kindergarten and above, prekindergarten programs part of a nonpublic or public elementary school as defined in R.S. 17:236, Mother's Day Out programs, care given without charge, camps, and registered family child day care homes.

* * *

Prekindergarten Programs—

1. per R.S. 17:24.8(A)(1), the youngest age at which a child may enter prekindergarten at a local public school is four years on or before September 30 of the calendar year in which the school year begins;
2. per R.S. 17:24.8(A)(2), the youngest age at which a child may enter prekindergarten at a BESE-approved nonpublic school is 3 years old by September 30 of the year in which the child enrolls in prekindergarten.
3. A stand-alone prekindergarten program that is not part of a public or nonpublic elementary school is not considered a prekindergarten program for the purposes of this Part and must be licensed.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.31 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:616 (April 2015), effective July 1, 2015, amended LR 41:2103 (October 2015), LR 43:638 (April 2017), LR 44:247 (February 2018), effective March 1, 2018, LR 44:1858 (October 2018), LR 47:1274 (September 2021), LR 49:1710 (October 2023), LR 50:967 (July 2024), LR 52:24 (January 2026), LR 52:

Chapter 3. Licensure

§301. Requirement of Licensure

A. - B. …

C. A prekindergarten program operated by a nonpublic school serving children in grades kindergarten and above, and in which all children have not reached age three by September 30 of the current school year, shall be licensed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.34 and R.S. 17:407.24.8, LR 52:

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, amended LR 52:25 (January 2026), LR 52:

§303. Exemptions from Licensure

A. A BESE-approved nonpublic or public day school serving children in grades kindergarten and above, including any pre-kindergarten attached thereto, except as provided in §301 of this Chapter, is exempt from the provisions of this bulletin. A nonpublic day school serving only children in grades kindergarten and above is exempt from the provisions of this Part.

B. - D. …

E. A nonpublic school in which the prekindergarten program is accredited or provisionally accredited by the Louisiana Montessori Association and all children have reached age three by September 30 of the current school year is exempt from the provisions of this Part.

F. A registered family child day care home or Mother's Day Out program is exempt from the provisions of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.35.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:619 (April 2015), effective July 1, 2015, LR 47:1275 (September 2021), LR 52:25 (January 2026), LR 52:

Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs

Chapter 1. Child Care Assistance Program

§103. Definitions

* * *

CCCBC—child care criminal background check.

Camp—any place or facility operated by any institution, society, agency, corporation, person or persons, or any group which meets any of the following:

1. Serves only children three years of age or older only when school is not in session during the summer months or school holidays.

2. Is a tax exempt church or religious organization in accordance with 26 U.S.C. 501(c) of the Internal Revenue Code that operates a Vacation Bible School, Bible Camp, or religious camp for children of any age.

3. Operates only an after-school or weekend extracurricular, academic, or athletic program, including any competition related to the program, or an after-school or weekend tutoring program or other educational or enrichment program.

* * *

Determination of Eligibility—determination by the department of a person's eligibility for child care purposes based on the results of a child care criminal background check (CCCBC).

Early Learning Center—any child day care center, early head start center, head start center, or stand-alone early learning program that is not part of an elementary school as defined in R.S. 17:236. The definition does not include grades kindergarten and above, prekindergarten programs part of a nonpublic or public elementary school as defined in R.S. 17:236, Mother's Day Out programs, care given without charge, camps, and registered family child day care homes.

* * *

AUTHORITY NOTE: Promulgated in accordance with 45 CFR part 98 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2109 (October 2015), amended LR 42:42 (January 2016), LR 42:1870 (November 2016), LR 43:1279 (July 2017), LR 44:257 (February 2018), effective March 1, 2018, LR 44:800 (April 2018), LR 47:1279 (September 2021), LR 48:30 (January 2022), LR 48:1006 (April 2022), LR 49:1208 (July 2023), LR 50:969 (July 2024), LR 51:524 (April 2025), LR 52:28 (January 2026), LR 52:

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 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? Yes.

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, August 10, 2026, 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: Camps and Prekindergarten Programs

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

The proposed Rule is not anticipated to result in material implementation costs or savings to state or local governmental units. The Louisiana Department of Education (LDOE) will perform the compliance, monitoring, and review activities required for school-based prekindergarten programs beginning in FY 2026-2027 within the eight positions and total funding of $877,792 already appropriated to the department under Act 409 of the 2025 Regular Legislative Session. No new positions, systems, or appropriations are required to implement the proposed Rule.

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

The proposed Rule is anticipated to decrease the self-generated revenue (SGR) of the LDOE by an estimated $6,350 per year, beginning in FY 2026-2027 and recurring in each subsequent year (a five-year total of approximately $31,750). Because approved nonpublic school prekindergarten programs are no longer required to be licensed as early learning centers, the department will no longer collect the associated annual licensing fee from these programs. The estimate reflects approximately 254 programs at $25 each. No effect on State General Fund, dedicated, federal, or local revenue collections is anticipated.

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

The proposed Rule directly affects approved nonpublic elementary schools that operate or seek to operate prekindergarten programs, public school governing authorities that operate prekindergarten programs, and the families of children enrolled in those programs. Economic benefits for affected nonpublic schools may exist to the extent of the impact of removing the requirement that their prekindergarten programs be licensed as early learning centers, thereby eliminating the associated annual licensing fee (estimated at $25 per program) and the cost of complying with the early learning center licensing framework. Schools must instead meet existing academic standards, provide specified parental notifications, comply with child-to-staff ratios established by BESE (for which an economic-hardship waiver is available), and substantially comply with child safety and welfare standards subject to monitoring measures as applicable. Any incremental cost of complying with these requirements is anticipated to be minimal and is indeterminable, as most programs already operate within the applicable ratios and standards, and certain accredited, tribally operated, and privately funded nonpublic programs are exempt from specified monitoring requirements. No new fees are imposed on directly affected persons by the proposed Rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed Rule is not anticipated to have a significant effect on competition or employment. The child-to-staff ratios established through this rulemaking determine staffing levels for prekindergarten classrooms, and a waiver is available where demonstrated economic impact makes compliance impractical. Any effect on competition and employment is anticipated to be minimal and is indeterminable as the primary impact is to existing camps and prekindergarten programs.

Beth Scioneaux | Patrice Thomas
Deputy Superintendent | Deputy Fiscal Officer
2607#045 | Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Diverse Learners
(LAC 28:XXXV.105 and LAC 28:CI.511 and 1105)

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:XXXV in *Bulletin 1903—Louisiana Handbook for Students with Dyslexia* and LAC 28:CI in *Bulletin 1508–Pupil Appraisal Handbook*. The revisions clarify parental notification requirements when dyslexia screening results determine that a student is at-risk for dyslexia. Further revisions update policy regarding evaluation timelines and reevaluation procedures, aligning with current federal regulations under the Individuals with Disabilities Education Act (IDEA).

Title 28
EDUCATION
Part XXXV. Bulletin 1903—Louisiana Handbook for Students with Dyslexia

Chapter 1. General Provisions

§105. School Level Responsibilities

A. - G.2. …

H. Parental Notification Requirements. Parental notification of an at-risk dyslexia screener result shall include:

1. statement detailing the parent/legal guardian's rights, including the right to request that a core assessment f or the diagnosis of dyslexia be administered by either the school or by a vendor or professional approved by the LDOE;

2. clarification that the dyslexia screener is not a diagnostic instrument and is used solely to determine whether a student is at risk for dyslexia;

3. current list of LDOE-approved vendors and professionals authorized to administer the core assessment;

4. guidance leading parents to potentially available funds to offset the cost of the core assessment if personally incurred; and

5. information directing parents to resources specific to dyslexia available through the LDOE website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1, R.S. 17:392.11, and 392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:723 (June 2021), repromulgated LR 47:1288 (September 2021), amended LR 50:1153 (August 2024), LR 52:

Part CI. Bulletin 1508—Pupil Appraisal Handbook

Chapter 5. Evaluation Responsibilities

§511. Evaluation Timelines

A. The initial evaluation must be conducted within 60 business days of receiving parental consent for the evaluation.

1. - 2. Repealed.

B. …