



# STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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December 16, 2021

## MEMORANDUM

**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 October 20, 2021, Notice of Intent that was promulgated on pages 1553-1557 of the *Louisiana Register*.

The Board has received two (2) public comments and has not conducted a hearing pursuant to R.S. 49:953(A)(2)(a).

The Louisiana State Board of Elementary and Secondary Education met in regular session on December 15, 2021, and took the following action:

On motion of Mr. Morris, seconded by Ms. Ellis, the Board:

1. received the SPCAR regarding revisions to Bulletin 741, *Louisiana Handbook for School Administrators*;
2. authorized BESE staff to submit the summary report to the Legislative Oversight Committees; and
3. directed BESE staff to proceed with the final adoption of the October 20, 2021, Notice of Intent regarding revisions to Bulletin 741 at the appropriate time.

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 January 20, 2022, issue of the *Louisiana Register*.

**Shan N. Davis**  
Executive Director

**Cade Brumley**  
State Superintendent

The following documents are attached:

1. A copy of the Notice of Intent;
2. Summary of Public Comments and Agency Response pertaining to proposed revisions to Bulletin 741, *Louisiana Handbook for School Administrators*; and
3. Public comments from Dr. Wendy Rock, Southeastern Louisiana University, dated October 25, 2021; and Dr. Adrianna Trogden, Louisiana Counseling Association, dated October 27, 2021.

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

SND:slr

Attachment (3)

- 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

CCDF is an annual federal block grant awarded to support working families with low incomes by providing access to early care and after school programs. The state's annual CCDF award amount is approximately \$150 M. Louisiana has received over \$1 B in CCDF support above-and-beyond its annual allocation through federal COVID-19 relief measures. This COVID-19 funding is available through September 30, 2024. At that time, and assuming no alternative means of financing is available, LDE federal expenditures will decrease as certain providers resume payments of the \$15 processing fee for the CCCBCs and households resume co-payments.

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

The LDE will experience a decrease in Self-Generated Revenues as a result of the proposed revisions to waive the \$15 processing fee paid by family child care providers and in-home child care providers for Child Care Criminal Background Checks (CCCBCs), pending availability of COVID-19 recovery funds. The LDE will utilize federal COVID-19 recovery funds for administrative costs in lieu of Self-Generated Revenues received from providers. This COVID-19 funding is available through September 30, 2024. At that time, and assuming no alternative means of financing is available, the Department will experience an increase in Self-Generated Revenues as providers resume payments of the \$15 processing fee.

Assuming the average processing fee revenue received by the Department is \$643,714 per year (based on pre-pandemic trends), the total amount of federal funds needed to cover processing costs are projected to total over \$1.9 M through September 30, 2024.

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

The proposed revisions will benefit licensed child care providers by waiving the Departmental \$15 processing fee while COVID-19 recovery funds are available. Also, the proposed revisions will assist families by waiving the CCAP copayment they would normally pay from COVID-19 recovery money as available.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed policy revisions will have no effect on competition and employment.

Ben Scioneaux  
Deputy Superintendent  
2110#040

Alan Boxberger  
Deputy Fiscal Officer  
Legislative Fiscal Office

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 5. Personnel

§502. Staff Misconduct

A. - C. ...

1. interaction between a student and a school counselor as defined in R.S. 17:3002, or between a student and a social worker, a psychologist or other duly certified/licensed mental health or counseling professional.

C.2. - E.6.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:15; R.S. 17:81.9; R.S. 17:587.1; R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1265 (June 2005), amended LR 33:431 (March 2007), LR 34:607 (April 2008), repromulgated LR 35:444 (March 2009), amended LR 35:1099 (June 2009), LR 37:1138 (April 2011), LR 38:41 (January 2012), amended LR 48:

Chapter 9. Scheduling

§901. Scheduling

A. - B.4. ...

5. By the end of the tenth grade, each student's individual graduation plan or the student's IEP, if applicable, shall outline the school graduation requirements relevant to the student's chosen postsecondary goals based on the student's academic record, talents, and interests.

a. Using information provided by the LDE and the Office of Student Financial Assistance, LEAs shall provide the student and the student's parent or legal custodian information regarding state and federal need-based and merit-based financial aid programs to support postsecondary education and training. The LEA shall ensure that each student receives adequate support in completing and submitting an application for financial aid.

b. Using information developed by the Louisiana Workforce Commission, LEAs shall provide students with information about the top 20 high-demand jobs, in the state and in the student's region, with the highest typical annual salary. The student shall be shown how to access information on Louisiana Workforce Commission's website for the listed jobs and other high-demand, high-wage jobs and shown how to find educational programs offered in Louisiana that qualify the student for such jobs.

6. Each student, with the assistance of his parent or other legal custodian and school counselor shall choose the high school curriculum framework and related graduation requirements that best meet his postsecondary goals. Prior to revising a student's individual graduation plan, the school counselor shall meet with the student's parent or legal custodian, either in person or virtually, to explain the possible impacts the revisions to the plan might have on the student's graduation requirements and postsecondary education goals. Any revisions to a student's plan shall be approved in writing by the student's parent or legal custodian.

7. The individual graduation plan or the IEP, if applicable, shall be reviewed annually and updated as necessary to identify the courses to be taken each year until

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators

(LAC 28: CXV.502, 901 911, 1103, 1111, 2305, 2317, 2318, 2320, 2363, 2397, and 3703)

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 741—Louisiana Handbook for School Administrators*. The proposed revisions are in response to Acts of the 2021 Louisiana Legislature.

all required courses are completed. Each student, his parent or legal custodian, and his school counselor shall annually sign the student's individual graduation plan

C. - F.3. ...

G. Beginning with the 2021-2022 school year, each school with students in grades 8, 9, 10, 11, and/or 12 shall annually hold an informational meeting for parents and legal guardians on graduation requirements and school curriculum choices. The notice of the meeting is to be made through all means available, including the school automatic call system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:175 and R.S. 17:183.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1271 (June 2005), amended LR 36:1498 (July 2010), LR 39:2204 (August 2013), LR 40:2522 (December 2014), LR 42:557 (April 2016), LR 43:2483 (December 2017), LR 46:1083 (August 2020), amended LR 48:

### §911. Planning Time

A. LEAs shall provide a minimum of 45 minutes daily and uninterrupted planning time, or its weekly equivalent, for every teacher actively engaged in the instruction and supervision of students in the public schools. Implementation of planning time for teachers as required in this Section shall not result in a lengthened school day or a reduction in student daily instructional time.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:434.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1272 (June 2005), amended LR 48:

## Chapter 11. Student Services

### §1103. Compulsory Attendance

A. Through the 2020-2021 school year, students who have attained the age of seven years shall attend a public or nonpublic day school or participate in an approved home study program until they reach the age of 18 years. Any child below the age of seven who legally enrolls in school shall also be subject to compulsory attendance. Refer to Chapter 33 for information on home study programs.

1. Beginning with the 2022-2023, students who have attained the age of five years by September thirtieth of the calendar year in which the school year begins shall attend a public or nonpublic day school or participate in an approved home study program until they reach the age of 18 years. Any child below the age of seven who legally enrolls in school shall also be subject to compulsory attendance. Refer to Chapter 33 for information on home study programs.

B. - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:112, R.S. 17:221.3-4, R.S. 17:226.1, and R.S. 17:233.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1273 (June 2005), amended LR 32:546 (April 2006), LR 32:1030 (June 2006), LR 33:2351 (November 2007), LR 35:641 (April 2009), LR 35:1097 (June 2009), LR 35:1475 (August 2009), LR 36:482 (March 2010), LR 36:1224 (June 2010), LR 37:1126 (April 2011), LR 37:2132 (July 2011), LR 38:1000 (April 2012), LR 38:1225 (May 2012), LR 38:1399 (June, 2012), LR 39:2205 (August 2013), LR 41:372 (February 2015), LR 41:2594 (December 2015), LR 42:1877 (November 2016), amended LR 48:

### §1111. Age Requirements

A. - C.3. ...

4. For the 2021-2022 school year, every parent, tutor, or other person having control or charge of a child who is eligible to attend full-day kindergarten, as a prerequisite to enrollment in any first grade of a public school, shall:

a. send such child to attend public or nonpublic full-day kindergarten for a full school year, or

b. ensure that such child has been administered and has satisfactorily passed an academic readiness screening prior to the time established for the child to enter first grade.

c. Each city, parish, or other local public school board shall establish the academic readiness level for entry into the first grade.

5. Beginning with 2022-2023 school year, every parent, tutor, or other person having control or charge of a child who is eligible to attend full-day kindergarten, as a prerequisite to enrollment in the first grade of a public school, shall:

a. send such child to attend a public or nonpublic full-day kindergarten for a full school year, and

b. ensure that such child has been administered and has satisfactorily passed an academic readiness screening administered by the LEA prior to the time of enrollment in the first grade.

c. Each city, parish, or other local public school board shall establish the academic readiness level for entry into the first grade.

D. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151.3 and R.S. 17:222.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1275 (June 2005), amended LR 39:2206 (August 2013), amended LR 48:

## Chapter 23. Curriculum and Instruction

### Subchapter A. Standards and Curricula

#### §2305. Ancillary Areas of Instruction

A. - F.3. ...

4. Such programs will integrate an evidence-based, age-appropriate instructional component on opioid substance abuse prevention.

a. Any instruction relative to alcohol, tobacco, drug, and substance abuse prevention and education provided pursuant to this Subsection will include the information that mixing opioids and alcohol can cause accidental death and information on the health risks associated with vapor products as defined in R.S. 26:901.

G. - M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:81, 17:154, 17:261 et seq., 17:263, 17:270, 17:280, 17:281 et seq., 17:404, and 17:405 et seq., and 36 USC 106.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1288 (June 2005), amended LR 33:2353 (November 2007), LR 39:2214 (August 2013), LR 39:3259 (December 2013), LR 40:2531 (December 2014), LR 44:1443 (August 2018), LR 44:1868 (October 2018), LR 45:36 (January 2019), LR 45:1746 (December 2019), amended LR 48:

#### §2317. High Schools

A. - G. ...

H. Prior to the beginning of the school year, students may switch diploma pathways provided they have the consent of their parent or guardian and have been advised by a school counselor. The student's parent or legal custodian will approve in writing any changes to the student's individual graduation plan.

I. - K.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:154, 17:264, 17:1944, 17:1945, and 17:4073.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 36:1485 (July 2010), LR 37:1137 (April 2011), LR 38:754 (March 2012), LR 39:1038 (April 2013), LR 39:2216 (August 2013), LR 40:1328 (July 2014), repromulgated LR 40:1528 (August 2014), amended LR 40:2530 (December 2014), LR 45:37 (January 2019), LR 45:227 (February 2019), LR 46:1671 (December 2020), amended LR 48:

**§2318. The TOPS University Diploma**

A. - C.3.d.iii.(f). ...

(g). African American history.

C.3.e. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2483 (December 2017), LR 44:263 (February 2018), LR 44:1868 (October 2018), repromulgated LR 44:1998 (November 2018), amended LR 45:1454 (October 2019), LR 46:556 (April 2020), amended LR 48:

**§2320. Career Diploma Pathway for Students Assessed on the Louisiana Alternate Assessment**

A. - E.2. ...

3. The individual graduation plan shall be annually reviewed by the IEP team and any necessary adjustments shall be made. Each student, his parent or legal custodian, and his school counselor will annually sign the student's individual graduation plan. The student's parent or legal custodian will approve in writing any changes to the student's individual graduation plan.

E.4. - E.4.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:1483 (August 2015), amended LR 45:1455 (October 2019), amended LR 48:

**Subchapter B. Academic Programs of Study**

**§2363. Social Studies**

A. The social studies course offerings for the college diploma shall be as follows.

Course Title(s)	Units
American Government	1
***	
African American History	1
***	

B. - E.2.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.3, 17:274, 17:274.1, and 17:274-274.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1298 (June 2005), amended LR 31:3072 (December 2005), LR 33:431 (March 2007), LR 33:2606 (December 2007), LR 36:1495 (July 2010), LR 37:1131 (April 2011), LR 40:1000 (May 2014), LR 40:2529 (December 2014), LR 41:2595 (December 2015), LR 44:1869 (October 2018), amended LR 48:

**Subchapter C. Career and Technical Education**

**§2397. Career Options**

A. - A.1. ...

2. School counselors or others designated by the school principal, or both, shall be responsible for the completion of the individual graduation plan. The school counselors and others shall counsel each student with regard to high school graduation requirements and shall assist the student in developing his plan. Each student, his parent or legal guardian, and his school counselor shall annually sign the student's individual graduation plan.

a. When developing and reviewing his individual graduation plan, the student shall be provided information developed by the Louisiana Workforce Commission regarding the top twenty high-demand jobs, in the state and in the student's region, with the highest typical annual salary.

b. The student shall be shown how to access information on Louisiana Workforce Commission's website for the listed jobs and other high-demand, high-wage jobs and shown how to find educational programs offered in Louisiana that qualify the student for such jobs.

c. The counselor or designee shall provide the student a printed copy of the listing of the appropriate region's top twenty high-demand, high-wage jobs.

3. For a student with exceptionalities, except a student identified as gifted or talented and who has no other exceptionality, the student's IEP team, if applicable, will assist the student in developing the individual graduation plan.

4. Prior to revising a student's individual graduation plan, the school counselor shall meet with the student's parent or legal guardian, either in person or virtually, to explain the possible impacts the revisions to the plan might have on the student's graduation requirements and postsecondary education goals. The student's parent or legal guardian will approve in writing any changes to the student's individual graduation plan.

5. During the ninth and tenth grades, each student shall pursue the rigorous core curriculum required by his school for his chosen major. The core curriculum shall include required coursework as established by BESE and appropriate elective courses.

B. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:183.1 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1303 (June 2005), amended LR 36:1996 (September 2010), LR 40:2524 (December 2014), amended LR 48:

**Chapter 37. Glossary**

**§3703. Definitions**

*Academically-Able Student*—a student who is functioning at grade level as determined by the local school system. For special education students identified in accordance with *Bulletin 1508—Pupil Appraisal Handbook*, the IEP committee shall determine the student's eligibility to receive foreign language instruction, provided the student is performing at grade level.

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*Individualized Education Program (IEP)*—a written statement of specially designed instruction developed, reviewed and revised by a group of qualified education personnel and the parent/guardian for each student with an exceptionality in public schools.

*Individual Graduation Plan*—the plan developed by each student by the end of the eighth grade with the input of his/her family. The plan shall include a sequence of courses which is consistent with the student's stated academic and career goals. Each student individual graduation plan shall be reviewed annually thereafter by the student, parents and/or legal custodian, and school advisor, and revised as needed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1316 (June 2005), amended LR 39:2231 (August 2013), LR 46:1673 (December 2020), amended LR 48:

**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 R.S. 49:965.6, 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 noon, November 10, 2021, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators**

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

The proposed revisions will result in increased state expenditures for the Department of Education (LDE) and local school districts; however, such costs are indeterminable. The

proposed revisions update language in Bulletin 741 to reflect legislation passed in the 2020 and 2021 Regular Legislative Sessions.

The following proposed revisions will not result in costs to state or local governmental units.

(1) Per Act 230 of 2021, the proposed revisions would require instruction in elementary and secondary schools on the health risks of vapor products. There is no anticipated impact on state or local expenditures; instruction will be integrated into the existing curriculum and districts may use their own instructional materials or access material currently available at no cost.

(2) Per Act 275 of 2021, the proposed revisions would refer to "school guidance counselors" as "school counselors". The proposed rules have no impact on state or local expenditures.

(3) Per Act 334 of 2021, the proposed revisions would add a course in African American History to the eligible courses in the social studies unit for the TOPS core curriculum, beginning with 2021-22 high school graduates. The proposed revisions will not result in costs to state or local governmental units. As of the 2020-21 school year, there were 21 public high schools offering African American History courses for 462 students. To the extent more schools offer courses in African American History, it is anticipated that they will shift staff and resources from other social studies courses, therefore the proposed rule will not result in overall cost increases.

The following proposed revisions will result in increased costs to state and local governmental units; however, such costs are indeterminable.

(1) Per Act 238 of 2020, the proposed revisions would require the Department of Education (LDE) to include a demonstration on how to access information on high-demand, high-wage jobs from the Louisiana Workforce Commission's (LWC) website through professional development to school guidance personnel regarding the development of individual graduation plans, as well as require the LWC, the LDE, and each public middle and high school to prominently display information on their websites. This is anticipated to result in an increase in workload and costs for printed materials for state and local school districts, however such costs are likely to be minimal.

(2) Per Act 386 of 2021, the proposed revisions would require a child who turns five years of age on or before September 30th to attend full-day kindergarten and to pass a readiness assessment prior to entering first grade, beginning with the 2022-23 school year. Requires each city, parish, or other local school board to establish the academic readiness level for entry into first grade. Parents may defer enrollment for one year if the child is four years of age on the first day of the school year or if the child is enrolled in a prekindergarten program. Parents that opt to defer enrollment shall not be considered in noncompliance with the compulsory school attendance law. As a result of the proposed rule, there will be an indeterminable increase in state expenditures through the Minimum Foundation Program (MFP) and local school district expenditures. The amount of the increase in state MFP funding will vary by district based on the increase in student enrollment. Local school districts will experience increased costs based on the actual increase of Kindergarten enrollment for the 2022-23 school year; however, costs will vary by district. Potential costs will include hiring additional teachers and purchasing additional supplies and instructional materials.

If enrollment exceeds current school capacity, districts could incur costs to expand facilities or to purchase and install temporary classrooms. For informational purposes, public school Kindergarten enrollment declined by 3,043, from 54,053 in February 2020 to 51,010 in February 2021, a decrease of 5.6%, due in part to the COVID-19 pandemic. If students who have left school due to the pandemic do not return, the increase in enrollment may only serve to offset the pandemic-related drop in enrollment.

(3) Per Act 392 of 2021, the proposed revisions would require school districts to provide forty-five minutes of uninterrupted planning time per day, or its weekly equivalent, and remove the current requirement that teachers receive duty-free lunch time. These requirements would no longer be subject to the availability of state funds; therefore, local school districts will likely experience an expenditure increase, potentially significant in the aggregate statewide, to provide the required minimum planning time for teachers to the extent the district is not providing the requisite planning time to teachers. The potential increase in expenditures would be a result of hiring additional personnel to provide appropriate staff and instruction coverage.

(4) Per Act 458 of 2021, the proposed revisions would require the following: a student's Individualized Education Program (IEP) team to obtain written approval of a student's parent or legal guardian before determining an alternative path to graduation; the written approval for a student to change from one career major to another; the school counselor to meet with each student's parent or legal guardian prior to revising a student's individual graduation plan; each school with an approved career major program to hold an annual informational meeting to inform the parents and legal guardians of all 8th graders regarding graduation requirements and curriculum choices; and the LDE to develop materials regarding high school curriculum frameworks, graduation requirements and relevant postsecondary education career opportunities and to provide these materials to each school for use in the annual meetings. There will be an indeterminable increase in costs and workloads for local school districts to hold informational meetings with parents, and for counselors to meet with parents regarding the revision of a student's individual graduation plan for a career major. The LDE will not incur increased costs as the agency has adequate capacity to fulfill the requirement that it develop certain materials for use in the annual informational meetings.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

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

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux  
Deputy Superintendent  
2110#034

Alan M. Boxberger  
Deputy Fiscal Officer  
Legislative Fiscal Office

## **Summary of Public Comments and Agency Response**

### *Proposed Revisions to Bulletin 741*

#### **Background**

In August 2021, the Louisiana Department of Education (LDE) recommended revisions to Bulletin 741, *Louisiana Handbook for School Administrators*, to align policy with Act 458 of the 2021 Regular Legislative Session. The revision requires each student, the parent or legal guardian, and the school counselor to annually sign student individual graduation plans (IGP). Further, prior to revising an IGP, the school counselor shall meet with the parent or legal guardian of the student either in person or virtually to explain the possible impacts the revisions to the plan might have on graduation requirements and postsecondary education goals. Finally, any revisions to a plan shall be approved in writing by the parent or legal guardian of the student. The Board of Elementary and Secondary Education (BESE) approved the proposed revisions and the Notice of Intent ran in the September 20, 2021, issue of the *Louisiana Register*.

#### **Public Comments Received**

BESE received public comments from Wendy D. Rock, Ph.D. and Adrienne Trogden, Ph.D., regarding the proposed revisions to Bulletin 741, *Louisiana Handbook for School Administrators*. The comments suggest that the proposed revisions could result in an increase in non-counseling duties performed by school counselors.

#### **Response**

The proposed revision aligns current policy with Act 458 of the 2021 Regular Legislative Session. However, the LDE will continue to work with local education agencies to ensure counselors have the autonomy to focus on providing direct and indirect student services to the greatest extent practicable. The LDE appreciates the comments received by Dr. Rock and Dr. Trogden, but recommends moving forward with the revisions to Bulletin 741, *Louisiana Handbook for School Administrators*.

**Wendy Rock, Ph.D., LPC-S, NCC, NCSC**

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Metairie, LA 70003  
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Ms. Shan N. Davis, Executive Director,  
Board of Elementary and Secondary Education  
Box 94064, Capitol Station  
Baton Rouge, LA 70804-9064

October 25, 2021

Dear Ms. Davis,

I am writing regarding the Notice of Intent that addresses proposed revisions in Bulletin 741. I understand that many of these proposed changes are in response to Acts of the 2020 and 2021 Louisiana Legislature.

As a former high school counselor of 19.5 years, and an Assistant Professor of Counseling at Southeastern Louisiana University where I coordinate the School Counseling Track for our counseling program and train future school counselors, I have concerns about some of the proposed revisions and their impact on school counselors.

As denoted in **Chapter 9, §901, B.5.b, and Chapter 23 §2397, A.2.a-c**, I support school counselors providing students with information about high-demand, high-wage jobs in their region and in the state and teaching them how to access the Louisiana Workforce Commission's website. I also support school counselors meeting with each student's parent or legal custodian to revise and discuss each student's individual graduation plan, as provided by **Chapter 9, §901, B.6 (also Chapter 9, §901, B.7, Chapter 23, §2317, H., Chapter 23, §2320. E.3, Chapter 23 §2397, A.4)**. I think every school should be providing annual informational meetings for parents and legal guardians about graduation requirements and school curriculum choices, and that meeting should be facilitated by the school counselor, see **Chapter 9, §901, G**.

My concern lies with what we are adding to the school counselor's plate without boundaries or limits. School counselors in Louisiana continue to be tasked with many responsibilities which lie outside their training or are not counseling related including but not limited to coordinating testing, coordinating 504, coordinating RtI and PBIS, substitute teaching, and duty beyond what is expected of teachers. In a recent study I published with Dr. Jennifer Curry at LSU, one respondent to our study reported spending an hour and 40 minutes on duty every day. You can access our study on Louisiana School Counselors' Daily Activities here: <https://journals.sfu.ca/ijepl/index.php/ijepl/article/view/1089/299>.

If you consider that there are approximately 180 days in the school year, and 7.5 hours per day with students in school, (1,350 hours in a school year) school counselors have limited time. Take for example Ponchatoula High School which employs four full-time counselors and has a current enrollment of 2123 (enrollment has recently increased). This gives each counselor approximately 531

students. If they take thirty minutes with each student to review the individual graduation plan, that one activity alone will take 265.5 hours almost 20% of their entire school year. The 1,350 hours does not account for bathroom breaks, lunch, or meetings. School counselors should be in classrooms, and meeting with students individually and in small groups providing tier one and tier two prevention and early intervention in academic, social, emotional, college and career domains. The policy revisions fall in that category. So much of what a school counselor is assigned to do falls outside these parameters and prevents school counselors from providing direct services to students.

In addition, due to the pandemic and recent natural disasters, I am hearing from interns and colleagues in the field that they are having to respond to students in crisis in far greater numbers than ever before. I have spoken with school counselors who are experiencing a significant increase in students considering suicide as well as an increase in students fighting. In my school counseling and consulting class, which is an introductory level class, my students have an assignment that requires them to shadow a school counselor for half a day. One student shared in class last week that a middle school counselor she shadowed saw four students experiencing suicidal ideation in the short time she was there. The counselor stated that last school year, she completed over 150 suicide assessments, and she has a caseload of 650 students.

My ask is that BESE create policy to provide parameters or limits around how much time a school counselor can be tasked with non-counseling duties like test-coordination, 504 coordination, substitute teaching and duty. This will support school counselors so that they can prioritize and accomplish the proposed policy revision. According to the American School Counselor Association (ASCA) National Model for School Counseling, school counselors should be spending 80% of their time providing direct and indirect services to students. This policy revision is a good one; it supports students in their college and career readiness while simultaneously supporting the economic development of our state. It aligns with the ASCA National Model. However, if school counselors continue to be pulled for other duties, we are just adding to their plate without needed support.

Sincerely,



**Wendy D. Rock, Ph.D., LPC-S, NCC, NCSC**  
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**Board of Elementary  
and Secondary Education**

**October 27, 2021**

**Ms. Shan N. Davis, Executive Director, Board  
of Elementary and Secondary Education  
Box 94064, Capitol Station  
Baton Rouge, LA 70804-9064**

**Dear Ms. Davis:**

**On behalf of the Louisiana Counseling Association, I am writing regarding the Notice of Intent regarding proposed revisions in Bulletin 741. LCA is the state-level membership organization for professional counselors in Louisiana, representing over 2,200 counselors.**

**We understand that many of these proposed changes are in response to Acts of the 2020 and 2021 Louisiana Legislature, however, the members of LCA have concerns about some of the proposed revisions and their impact on school counselors.**

**We support school counselors providing students with information about high-demand, high-wage jobs in their region and in the state and teaching them how to access the Louisiana Workforce Commission's website. We also support school counselors meeting with each student's parent or legal custodian to revise and discuss each student's individual graduation plan. We agree that every school should be providing annual informational meetings for parents and legal guardians about graduation requirements and school curriculum choices, and that meeting should be facilitated by the school counselor.**

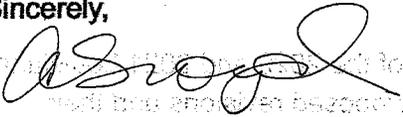
**Our concern lies with what we are adding to the school counselor's plate without boundaries or limits. School counselors in Louisiana continue to be tasked with many responsibilities which lie outside their training or are not counseling related including but not limited to coordinating testing, coordinating 504, coordinating RtI and PBIS, substitute teaching, and duty beyond what is expected of teachers. In a recent study published with Dr. Jennifer Curry at LSU, one respondent in the study reported spending an hour and 40 minutes on duty every day. The study can be accessed on Louisiana School Counselors' Daily Activities here:  
<https://journals.sfu.ca/ijepi/index.php/ijepi/article/view/1089/299>.**

**If you consider that there are approximately 180 days in the school year, and 7.5 hours per day with students in school, (1,350 hours in a school year) school counselors have limited time. Take for example Ponchatoula High School which employs four full-time counselors and has a current enrollment of 2123 (enrollment has recently increased). This gives each counselor approximately 531. If they take thirty minutes with each student to review the individual graduation plan, that one activity alone will take 265.5 hours almost 20% of their entire school year. The 1,350 hours does not account for bathroom breaks, lunch, or meetings. School counselors should be in classrooms, and meeting with students individually and in small groups providing tier one and tier two prevention and early intervention in academic, social, emotional, college and career domains. The policy revisions fall in that category. So much of what a school counselor is assigned to do falls outside these parameters and prevents school counselors from providing direct services to students.**

In addition, due to the pandemic and recent natural disasters, we are hearing from LCA school counselor members that they are having to respond to students in crisis in far greater numbers than ever before. School counselors are also experiencing a significant increase in students considering suicide as well as an increase in students fighting. We are concerned about our school counselors being overwhelmed more and more with crises situations at school that are imperative for the school counselor to be apart of, however, it pulls them away from other responsibilities and makes it impossible for school counselors to attend to all their non-counselor duties during the day.

Our ask is that BESE create policy to provide parameters or limits around how much time a school counselor can be tasked with non-counseling duties like test-coordination, 504 coordination, substitute teaching and duty. This will support school counselors so that they can prioritize and accomplish the proposed policy revision. According to the American School Counselor Association (ASCA) National Model for School Counseling, school counselors should be spending 80% of their time providing direct and indirect services to students. This policy revision is a good one; it supports students in their college and career readiness while simultaneously supporting the economic development of our state. It aligns with the ASCA National Model. However, if school counselors continue to be pulled for other duties, we are just adding to their plate without needed support.

Sincerely,



**Adrienne Trogden, Ph.D., LAC, CCS, ADS, CFMHE, LPC-S**  
**Government Relations & Advocacy Specialist**  
**Louisiana Counseling Association**