



# STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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December 11, 2024

## 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 November 20, 2024, Notice of Intent that was promulgated on pages 1693-1695 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 February 20, 2025, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

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

TAW:ell

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, Policy Director, Louisiana Department of Education  
Tavares A. Walker, Executive Director, BESE  
Kevin Calbert, Communications Manager, BESE

Tavares A. Walker  
Executive Director

Dr. Cade Brumley  
State Superintendent

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? 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, December 10, 2024, to Tavares A. 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 A. 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 118—Statewide Assessment  
Standards and Practices—Field Testing**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change updates Bulletin 118—*Statewide Assessment Standards and Practices*, removing references to "LEAP", which refers to a specific assessment program, to more closely align with the intent of the policy. The purpose of field testing is to obtain data on test items that have been developed for a particular assessment. Schools selected for any of the Louisiana field tests must participate. This ensures the test data are representative of the state's student population for the grade level being assessed.
- 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. The cost of field testing is already covered within current state testing budgets.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)  
There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux  
Deputy Superintendent  
2411#046

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 126—Charter Schools  
Student Enrollment  
(LAC 28:CXXXIX.2713)

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:CXXXIX in *Bulletin 126—Charter Schools*. Act 659 of the 2024 Regular Legislative Session revised requirements that charter schools meet a certain threshold with respect to the number of students with exceptionalities and economically disadvantaged students compared with total student enrollment. At the August 2024 Board of Elementary and Secondary Education (BESE) meeting, the board approved

revisions to policy contained in Bulletin 126—*Charter Schools*, in response to Act 659. These revisions further clarify that policy.

**Title 28  
EDUCATION**

**Part CXXXIX. Bulletin 126—Charter Schools  
Chapter 27. Charter School Recruitment and  
Enrollment**

**§2713. Required Student Enrollment Percentages**

A. - E.2. ...

F. The department shall perform all calculations necessary to implement this Section and shall develop procedures for annually determining whether each charter school has complied with the application and enrollment transparency requirements of this Section.

G. - I. ...

J. Each charter school authorizer shall maintain procedures for investigating alleged noncompliance with Subsection 2107(I) of this Part by any charter school operating under its authority. The requirements of this Subsection may be satisfied through existing procedures, such as those required under state or federal anti-discrimination provisions. Each charter school authorizer shall submit copies of the procedures required by this Subsection to the LDOE no later than May 31 of each year.

1. The LDOE shall develop guidance for charter authorizers regarding the implementation of the procedures and steps authorizers shall take in response to a charter school's failure to meet the requirements of this Section.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10) R.S. 17:3973, R.S. 17:3981, and R.S. 17:3991.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education in LR 34:1375 (July 2008), amended LR 37:875 (March 2011), LR 40:1325 (July 2014), LR 42:550 (April 2016), LR 43:310 (February 2017), LR 43:2478 (December 2017), LR 51: (January 2025), LR 51:

**Family Impact Statement**

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

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? 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? 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, December 10, 2024, to Tavares A. 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 A. 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 126—Charter Schools  
Student Enrollment**

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule



change. The proposed rule change updates Bulletin 126—*Charter Schools* to align rules with Act 659 of the 2024 RS, which revised enrollment requirements that charter schools meet with respect to the number of students with exceptionalities and economically disadvantaged students relative to total student enrollment. The Louisiana Department of Education (LDOE) will produce additional guidance for local authorizers in addressing concerns regarding charter schools not meeting required enrollment percentages. This will be accomplished with existing staff.

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)

There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux  
Deputy Superintendent  
2411#047

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 132—Louisiana Course Choice Program  
Course Choice Program  
(LAC 28:CLI, Chapter 1, 303, Chapter 5, 701, 703,  
901, 1101, and 1301)

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:CLI in *Bulletin 132—Louisiana Course Choice Program*. The proposed revisions are in response to Act 91 of the 2024 Regular Legislative Session. Revisions provide that each local education agency (LEA) shall make available to all students and parents during the annual course enrollment process for the school system the course catalog as provided by the LDOE and derived from a list of course providers approved by BESE. Further, if the allocated funds are insufficient to fund all students who seek to enroll in a course under this program, students shall be prioritized as outlined. Additionally, a student shall not be permitted to enroll in a course where a determination was made by the school counselor of the school that the course is not academically appropriate considering the student's chosen graduation pathway or conflicts with the LDOE published planning resources.

**Title 28  
EDUCATION**

**Part CLI. Bulletin 132—Louisiana Course Choice Program**

**Chapter 1. General Provisions**

**§101. Purpose, Scope, and Effect**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17.4002.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3124 (December 2012), repealed LR 51:

**§103. Definitions**

*Academically Appropriate*—coursework that aligns with the educational goals and interests as established during the student's Individual Graduation Planning.

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*Eligible Funded Student*—any student who resides in Louisiana and is attending a Louisiana public elementary or secondary school.

1. - 2. Repealed.

*Eligible Participating Student*—any student who resides in Louisiana and meets one of the following criteria:

1. - 3. ...

*Supplemental Course Allocation*—shall provide for the cost of secondary course choices specifically approved by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17.4002.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3124 (December 2012), amended LR 40:2518 (December 2014), LR 51:

**§105. Purpose of Course Choice Program**

A. The Course Choice Program was enacted by the Louisiana Legislature so that all Louisiana school children have access to the type and format of education that best meets the needs of the individual student and to include parental choice in the best interest of their child. Each student has different needs that merit a variety of course choices on the individual student level, and that the state has the right, responsibility, duty and obligation to accomplish the objective of a quality, individualized education for all Louisiana children.

B. Course providers can offer a quality, individualized education to students, and it is in the public interest to offer students the means of accessing the educational opportunities offered by course providers by providing students instruction that is funded through public funds allocated to school systems from local and state sources to enroll in such courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17.4002.2-4002.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3124 (December 2012), amended LR 51:

**Chapter 3. Course Choice Authorizers**

**§303. BESE Duties Relating to Course Choice Program**

A. - A.3. ...

4. alignment of the courses offered by the course provider with any type of approved Louisiana diploma;

a. - a.i. ...

ii. career and technical education (CTE) course offerings, including internships and Registered Apprenticeships, that tie directly to current and future workforce needs of Louisiana as defined by the Louisiana Workforce Commission in its most recent jobs forecast and lead to industry-based certifications; and

iii. early access to college credit course offerings;

A.5. - C.1. ...