



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

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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 1695-1698 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

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:CL1.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:CL1 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 CL1. 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.

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. ...

D. BESE shall provide a reciprocal instructor certification process for instructors who reside in other states but who are employed by authorized course providers and teach virtual education courses to satisfy the state certification requirements pursuant to R.S. 17:7.1.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 4002.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3125 (December 2012), amended LR 40:2518 (December 2014), LR 51:

Chapter 5. Course Providers

§501. General Provisions

A. - D. ...

E. All Course Choice Program providers will adhere to the uniform grading policy established in LAC 28: CXV.2302 (*Bulletin 741*). Business and industry providers will provide credits for students seeking to obtain the career diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7, R.S. 17:184, and R.S. 4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3125 (December 2012), amended LR 40:2518 (December 2014), LR 51:

§503. Course Provider Curriculum

A. ...

1. support the state content standards and CTE course guidelines as applicable;

2. - 4. ...

5. ensure that all courses offered for dual enrollment postsecondary credit meet the standards and grade-level expectations of the high school course for which the student is receiving credit and meet the standards for college credit as established by the Louisiana Board of Regents.

B. For all providers that offer courses which require a review in accordance with LAC 28: CXV.1703 (*Bulletin 741*), the provider shall complete the LDOE process completely before the submission of a course to the Course Choice catalog for student enrollment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7, R.S. 17:24.4, and R.S. 17: 4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3126 (December 2012), amended LR 40:2519 (December 2014), LR 51:

§505. Course Provider Instructional Staff

A. - A.3. ...

4. Repealed.

B. No person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) shall be allowed to instruct/interact with students as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or as a temporary, part-time, or permanent employee of any kind, including any person employed to provide cafeteria, transportation, or janitorial or maintenance services by any person or entity that contracts with a school or school system to provide such services.

1. - 2. Repealed.

C. ...

D. Failure to meet all requirements can result in probation or termination of the course provider for participation in the Course Choice Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, R.S. 17:15, R.S. 17.7, R.S. 17.1, and R.S. 17:4002.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3126 (December 2012), amended LR 40:2519 (December 2014), LR 51:

§507. Online Course Providers

A. The LDOE shall determine the appropriate standards for online education, and the online provider shall comply with the standards.

B. The course provider will ensure that all instructors are evaluated.

C. Repealed.

D. The course provider must have an acceptable use policy for technology in accordance with R.S. 17:100.7.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3126 (December 2012), amended LR 40:2519 (December 2014), LR 51:

Chapter 7. Local Educational Authority Duties

§701. Local Educational Authority (LEA) Duties

A. Each LEA shall establish policies and procedures whereby each eligible funded student enrolls in a course in this program, and which shall also provide for the following:

1. Consultation with a designated school system staff member and obtaining written permission from a parent or guardian. 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.

2. Credits earned through the course provider shall appear on each such student's official transcript and count fully towards the requirements of any approved Louisiana diploma.

3. ...

4. All services to which each student would be entitled if attending the school in which he is enrolled full time for all courses, including but not limited to special education services pursuant to the student's individual education plan, shall be provided.

5. Each LEA that provides transportation for students within their jurisdiction shall also provide students participating in course choice transportation services within the same jurisdiction during normal school business hours.

6. Advise the student and his parent or legal guardian as part of the development and annual review of the student's IGP prior to academic scheduling for the upcoming school year.

B. Each LEA shall make available to all students 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. If the allocated funds are insufficient to fund all students who seek to enroll in a course under this program, students shall be prioritized in the following order:

1. seniors who require a course in order to graduate or student access to TOPS aligned courses not available through the school or school system;

2. students enrolling in courses required to complete an associate degree in a Fast Forward pathway or a certificate of technical studies aligned to high wage, high demand jobs or work-based learning;

3. students seeking access to TOPS aligned college credit;

4. students enrolled in a Comprehensive Intervention Required (CIR) or Urgent Intervention Required for Academics (UIR-A) schools;

5. access to high quality academic content aligned to graduation requirements or access to high quality career and technical content aligned to the Louisiana IBC state focus list which can be offered as recovery credit;

6. students seeking coursework to increase a student score on a nationally recognized assessment as defined in LAC 28:XI.1711 (*Bulletin 111*);

7. other priorities defined by the school system, approved by LDOE, and included in the LEAs pupil progression plan prior to the student enrollment process.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7, R.S. 17:24.4, and R.S. 17: 4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3126 (December 2012), amended LR 40:2519 (December 2014), LR 51:

§703. Local Education Authority Procedures for Student Enrollment

A. Each public school governing authority shall establish policies and procedures which shall require that prior to an eligible funded student enrolling in a course, the student and the parent or legal guardian shall be advised, as part of the development and annual review of the student's IGP, of whether a requested course is academically appropriate for the student.

B. - B.5. ...

C. Each local public school system shall make available to all students and parents during the annual course enrollment process for the school system the course catalog as provided by LDOE and derived from a list of course providers approved by BESE.

D. All schools must exercise flexibility in scheduling to accommodate course choice options.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S.17: 4002.5.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 38:3127 (December 2012), amended LR 51:

Chapter 9. Parental/Guardian Duties

§901. Parental/Guardian Duties

A. - B. ...

C. If a student is taking an online course through the Course Choice Program and elects to take the course off campus, the parent/guardian must:

1. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17: 4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3127 (December 2012), amended LR 51:

Chapter 11. Course Choice Program Funding

§1101. Program Funding

A. - C. ...

1. For private providers, fifty percent of the course amount or tuition to be paid to the course provider shall be paid upon student enrollment in a course and fifty percent shall be paid upon course completion according to the published course length.

2. - 2.a....

b. LEA allocated funds that are not committed for use by the school system or other public school shall be subject to reallocation to another public school system or other public school for the purposes of this program.

3. For public higher education providers, the course amount or tuition to be paid to the course provider shall be paid upon student enrollment in a course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3127 (December 2012), amended LR 40:2520 (December 2014), LR 51:

Chapter 13. Provider Evaluation

§1301. Provider Evaluation

A. - A.3. ...

a. academic achievement—course providers demonstrate and sustain a proven track record of student success on exams, including, but not limited to, LEAP and early college credit;

b. - c. ...

4. Providers must show positive student academic and/or technical gain with proven assessment methods for each type of course offering.

a. Core Academic—standard Louisiana approved end-of-course exams (EOC), or, if available, other EOC exams tied to applicable Louisiana-approved course guidelines.

b. Career and Technical Courses—IBCs recognized by the Louisiana Workforce Commission.

c. College Credit—dual enrollment credit of C or better, score of 3 or higher on AP exam, score of 4 or higher on IB exam, or minimum score recognized by the Louisiana Board of Regents flagship on the CLEP exam.

d. Test Prep Courses—used to help increase scores in ACT, SAT, WorkKeys, ASVAB, or CLT exams.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3128 (December 2012), amended LR 40:2520 (December 2014), 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 132—Louisiana Course Choice Program—Course Choice Program

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 132—*Louisiana Course Choice Program* as a result of passage of Act 91 of the 2024 RS, which provides 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 Louisiana Department of Education (LDOE) and derived from a list of course providers approved by the Board of Elementary and Secondary Education (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 provided in the proposed rule. 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.

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 rule change does not impact the amount of the annual Supplemental Course Allocation; rather, it clarifies how the program will be administered.

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#048

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 133—Scholarship Programs
LA GATOR Scholarship Program Phases
(LAC 28:CLIII.1506)

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