



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 1701-1703 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

in a decrease in revenues for LEAs, students who participate in LA GATOR and use account funds to enroll in services provided by participating LEAs will increase anticipated revenue collections.

SGF revenues may shift depending on how education scholarship accounts impact the annual amount of tax credits claimed for nonpublic school tuition expenses. This tax credit permits parents to annually claim up to \$6,000 of nonpublic school tuition costs.

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

Families of current Student Scholarships for Educational Excellence Program (SSEEP) students should experience little impact, as those students will continue to be funded at the same rate until they graduate or exit the terminal grade of the school in which they are currently enrolled. Families of entering kindergarteners or current public school students who would have chosen to enroll their children in nonpublic school the following year but who choose to participate in the LA GATOR program will benefit from program funding. Families of current nonpublic school students who fall below 400% of the federal poverty guidelines and who participate in the program will benefit by having to fund less of their children's tuition and fees through their personal finances.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Additional competition for student enrollment may result from the program. This will primarily be due to whether or not public schools opt to allow for part-time enrollment for students seeking to participate in specific programs, courses or activities. It is expected these spots, like those in programs targeted towards students with disabilities, will be limited. There is a potential the implementation of LA GATOR will lead to the opening of additional nonpublic education institutions in order to provide services for an increased student population. If this were to occur, increased competition between institutions may result.

Beth Scioneaux
Deputy Superintendent
2411#049

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1903—Louisiana Handbook for Students with Dyslexia—Dyslexia Screening and Assessment (LAC 28:XXXV.110)

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*. Act 517 of the 2024 Regular Legislative Session requires the promulgation of rules regarding kindergarten dyslexia screening and core assessment, parent notification, and reimbursement criteria.

**Title 28
EDUCATION**

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

Chapter 1. General Provisions

§110. Core Assessment Requirements

A. If the results of dyslexia screening pursuant to §109 of this Chapter indicate that a student is at risk for dyslexia, the parent or legal guardian shall be notified within thirty days of the results of the screening, and, if requested by the parent or legal guardian and subject to funding, a core assessment for the diagnosis of dyslexia shall be administered.

1. A parent or legal guardian may only make one request per academic year.

2. If the parent or legal guardian requests the LEA to conduct the core assessment, the LEA must complete the core assessment within 30 business days.

B. The parent may select either the LEA or a vendor or professional approved by the LDOE to administer the core assessment. The administrator of the core assessment, in order to determine whether the student has dyslexia, shall determine through history, observation, and psychometric assessment if there are unexpected difficulties in reading and associated linguistic problems at the level of phonological processing that are unrelated to the student's intelligence, age, and grade level. The core assessment shall not be based on a single test score or specific number of characteristics and shall include all of the following:

1. tests of language, particularly phonemic assessment, real words, and pseudo words, oral reading fluency, and intellectual ability;

2. an academic performance review; and

3. an interview with the student's parent or legal guardian.

C. Vendors and professionals who administer and interpret the core assessments must meet qualifications set forth by the assessment publisher and be trained in administering the assessment, and may include a licensed psychologist, certified school psychologist, licensed certified speech-language pathologist, certified educational diagnostician, clinical psychologists, neuropsychologists, and/or certified academic language therapist. Core assessment publishers determine professionals trained to interpret the assessments.

D. The LDOE shall provide reimbursement for the cost of the assessment, subject to the availability of funding designated for this purpose and in alignment with applicable Louisiana statute and BESE policy.

1. Entities seeking reimbursement for the cost of core assessment must submit a request for reimbursement to the LDOE according to the procedures established for this purpose.

2. The amount of reimbursement provided shall not exceed \$500 per eligible student request, per academic year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:24.9, R.S. 17:392.1, 17:392.3, and 17:392.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, 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 1903—Louisiana Handbook for
Students with Dyslexia
Dyslexia Screening and Assessment**

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

There are no new anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change updates Bulletin 1903—*Louisiana Handbook for Students with Dyslexia*. Act 517 of the 2024 RS requires the promulgation of rules regarding kindergarten dyslexia screening and core assessment, parent notification, and reimbursement criteria. Schools currently engage in a process involving interventions and data collection through the school building level committee to determine whether additional testing is required. The proposed rule change allows parents to respond to an at-risk determination on a dyslexia screener by requesting dyslexia testing. While funding is available as appropriated by the legislature, reimbursement for the testing will be available according to the vendors approved by the Louisiana Department of Education (LDOE) and the rate established in policy. Reimbursement of up to \$500 for dyslexia testing will be allowable during each school year for each student. The Legislature transferred \$1 M SGF into the Dyslexia Fund in Act 723 of the 2024 RS for reimbursement of dyslexia testing, however no appropriations from the fund have been made. Any unspent money will remain in the fund, and the availability of additional funding will be subject to future appropriation by the legislature. The extent to which reimbursement for dyslexia testing will be requested is indeterminable.

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. Reimbursement for testing will be available, subject to funding appropriated by the legislature.

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

Providers approved for reimbursement using state funds could realize increased revenue by providing testing services for students. Parents of students being tested for dyslexia could

save money on the cost of testing if they choose to use a private testing provider.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Individuals qualified to administer dyslexia testing could experience an increased demand for services as funding is available for reimbursement.

Beth Scioneaux
Deputy Superintendent
2411#052

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Communication Pathways
(LAC 28:CXV.303 and LAC 28:CXXXIX.2103)

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:CXV in Bulletin 741—*Louisiana Handbook for School Administrators* and LAC 28:CXXXIX in Bulletin 126—*Charter Schools*. The aforementioned changes establish a communication pathway for electronic delivery of information regarding key priorities and initiatives directly to each member of a local school board and to each local education agency (LEA).

**Title 28
EDUCATION**

**Part CXV. Bulletin 741—Louisiana Handbook for
School Administrators**

Chapter 3. Operation and Administration

**§303. General Powers of Local Educational Governing
Authorities**

A. - M. ...

N. In a timely manner following each meeting of BESE, LDOE staff shall electronically disseminate any presentations regarding key priorities and initiatives of the LDOE directly to each member of a local school board and to each LEA. The LDOE may include additional relevant information as determined necessary. Each board member shall ensure that an accurate email address is on file with the LDOE for this purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:53, R.S. 17:54, R.S. 17:81, 17:81.2, and 17:81.4-8, R.S. 17:100.2, and R.S. 17:151.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1257 (June 2005), amended LR 35:1474 (August 2009), LR 35:1876 (September 2009), LR 37:1136 (April 2011), LR 39:2195 (August 2013), LR 51:

**Title 28
EDUCATION**

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 21. Charter School Governance

§2103. Board Member Responsibilities

A. - I. ...

J. In a timely manner following each meeting of BESE, LDOE staff shall electronically disseminate any presentations regarding key priorities and initiatives of the LDOE directly to each member of a charter board. The LDOE may include additional relevant information as

determined necessary. Each board member shall ensure that an accurate email address is on file with the LDOE for this purpose.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1370 (July 2008), amended LR 37:874 (March 2011), amended LR 50:657 (May 2024), LR 51:

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