



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

The Board has received one (1) public comment 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 11, 2024, and took the following action:

On motion of Mr. Appel, seconded by Mr. Harris, the Board:

1. received the SPCAR regarding revisions to Bulletin 103, *Louisiana Health Education Content Standards*;
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, 2024, Notice of Intent regarding revisions to Bulletin 103, *Louisiana Health Education Content Standards*, with the submission of the final Rule in the January 2025 edition of the Louisiana Register.

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 will proceed with the adoption of the Notice of Intent as a final Rule in the January 20, 2025, issue of the *Louisiana Register*.

The following documents are attached:

1. A copy of the Notice of Intent;
2. Summary of Public Comments and Agency Response; and
3. Public comment from Ms. Erica Williams, Louisiana Government Relations Director, dated November 5, 2024.

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

TAW:ell

Attachments (3)

Tavares A. Walker
Executive Director

Dr. Cade Brumley
State Superintendent

- 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

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, November 9, 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 1929—Louisiana Accounting and Uniform Governmental Handbook Assignment of Chief Operating Officer

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

The proposed rule change may result in implementation costs for the Department of Education (LDOE), but definitive costs are indeterminable at this time. The proposed rule change adopts requirements for implementation of Act 368 of the 2024 RS regarding the assignment of a chief operating officer to assist a school system that is in noncompliance with the 70% instructional expenditure requirement of the Minimum Foundation Program (MFP) formula. The extent to which such an officer will be assigned is unknown at this time. The work will be accomplished by individuals contracted for the assignment. Initial information provided an estimated cost associated with this work of up to \$150,000 annually. School systems will receive additional support in meeting the expenditure requirement, in the event a COO is assigned to it.

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)

The proposed rule change may result in the hiring of one or more contracted chief operating officers to assist school systems that are in noncompliance with instructional expenditure requirements of the MFP formula.

Beth Scioneaux
Deputy Superintendent
2410#055

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Let Teachers Teach Legislation and Updates
(LAC 28:XI.907 and 909, LAC 28:LIX.309, and LAC 28: CXV.333, and 337, Chapter 11, 1315, and Chapter 23)

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:XI in *Bulletin 111—The Louisiana School, District, and State Accountability System*, LAC 28: CXV in *Bulletin 103—*

Louisiana Health Education Content Standards, and LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The proposed amendments align BESE policy with legislation enacted in the 2024 Regular Legislative Session. The revisions adopt requirements for implementation of Act 337: Mandatory expulsion; Act 313: Electronic telecommunication devices; Act 324: Behavioral and emotional challenges program; Act 331: Print 988 on ID cards; Act 386: Truancy; Act 400 Student Discipline and Teacher Bill of Rights; and Acts 686 and 716: Required instruction and training. Further revisions include policy updates in response to the recommendations of the Let Teachers Teach Workgroup. The aforementioned changes remove discipline statistics from criteria for assigning intervention status in the state accountability system and update policy regarding lesson planning and instruction.

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System

Chapter 9. Urgent Intervention and Comprehensive Intervention

§907. Urgent Intervention Required

A. ...

B. - B.2. Repealed.

C. To be no longer labeled “urgent intervention required,” the school must not earn the equivalent of “urgent intervention required” for the same subgroup for two consecutive years.

D. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:456 (March 2018), amended LR 47:448 (April 2021), LR 51:

§909. Comprehensive Intervention Required

A. - A.2. ...

B. Beginning in 2019-2020 (2020 SPS), a school that is labeled “urgent intervention required” for a period of three consecutive years for the same subgroup will be labeled “comprehensive intervention required,” unless in the current year the school has improved the subgroup score for which it has earned the label, such that the school no longer has a subgroup score equivalent to a “F”.

C. - D. ...

E. 2020-2021 CIR Label.

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:456 (March 2018), amended LR 47:448 (April 2021), LR 51:

Title 28

EDUCATION

Part LIX. Bulletin 103—Louisiana Health Education Content Standards

Chapter 3. Teaching and Learning of Health Education

§309. Requirements

A. - C. ...

D. Grades 9-12: In order to graduate from high school, public school students must earn a 1/2 unit in health education (LAC 28: CXV.2319.C). A minimum of 3863 minutes of health instruction shall be taught (LAC 28: CXV.907.C). Nonpublic schools require health and physical education for graduation in accordance with LAC 28: CXV.2109.C.

E. ...

F. - K. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 28:1944 (September 2002), amended by the Board of Elementary and Secondary Education, LR 37:2099 (July 2011), LR 51:

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 3. Operation and Administration
§339. Emergency Planning and Procedures

A. - J.3. ...

K. Preventative Programs. Each LEA shall develop, as a component of the Crisis Management and Response Plan, one hour of training in each of the following areas. The school selecting and providing the initial training must provide the educator with a certificate containing the educator’s name, date of completion, length of training, and topic covered. The educator and school shall maintain documentation of the training, once completed, which is sufficient to satisfy this requirement upon transfer to another LEA.

1. communicable diseases and universal precautions;
2. adverse childhood experiences;
3. mental health;
4. bullying;
5. first aid; and
6. suicide prevention.

L. Each LEA shall provide thirty minutes of firearm safety instruction during second grade, using Eddie Eagle GunSafe program.

M. Each school shall designate and train appropriate school personnel in accordance with LAC 28: CLVII (*Bulletin 135*) in, at a minimum, the following areas:

1. Medication administration;
2. Diabetes management;
3. Injury management;
4. Non-complex medical procedures; and
5. Cardiac arrest, CPR, and AED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:154.1, R.S. 29:726.5, et seq., R.S. 40:1137.3, and 17:416.16.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1262 (June 2005), amended LR 39:3258 (December 2013), LR 41:372 (February 2015), LR 45:36 (January 2019), LR 45:1746 (December 2019), LR 50:175 (February 2024), LR 51:

§353. Instruction and Training

A. Each LEA shall provide age and grade level appropriate awareness and/or prevention information through online, in-person, or written communication sources regarding the following:

1. High School.
 - a. safe haven relinquishment law;
 - b. substance abuse;
 - c. adoption;
 - d. shaken baby syndrome;
 - e. eating disorders;
 - f. dating violence; and
 - g. organ donation.
2. Middle School.
 - a. eating disorders;
 - b. dating violence.
3. Elementary.
 - a. Litter; and
4. All Grades, as appropriate.
 - a. child assault;
 - b. substance abuse;
 - c. mental health and wellness;
 - d. water safety;
 - e. spread of communicable diseases; and
 - f. internet and cell phone safety.

B. Each LEA shall implement a process to annually review training required of educators to minimize repetition of satisfactorily completed training and, where possible, provide for pre-test exemption opportunities for experienced teachers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(29), R.S. 17:81, R.S. 17:240, R.S. 17:100.8, 17:184, and R.S.17:437.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Chapter 5. Personnel

§519. Teacher Bill of Rights

A. - A.5. ...

6. a teacher has the right to have a student immediately removed from the classroom and placed in the custody of the principal or designee when a student's behavior prevents the orderly instruction of other students or poses an immediate threat to the safety or physical well-being of any student or teacher;

7. - 10. ...

11. a teacher has the right to be treated with civility and respect as provided in R.S. 17:416.12.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.18.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1268 (June 2005), amended LR 35:1100 (June 2009), LR 39:3259 (December 2013), LR 51:

Chapter 11. Student Services

§1117. Child Welfare and Attendance

A. - F. ...

G. The parent or legal guardian of a truant student shall ensure that the student makes up missed school work by attending after-school tutoring session, weekend make-up class, or other remediation opportunities, as determined by the LEA, until the student has completed missed assignments.

1. The parent shall also attend meetings relative to the student's progress at the school on at least a monthly basis until the student has completed missed school work

2. The parent shall attend any assistance program conducted by the school district that provides information on supports to families.

3. Failure to comply may subject a parent to penalties in accordance with R.S. 14:92.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:232, R.S. 17:233, and R.S. 17:235.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1276 (June 2005), amended LR 34:608 (April 2008), LR 35:1475 (August 2009), LR 39:2207 (August 2013), LR 51:

§1127. Preventive Programs

A. - C. ...

D. - D.7. Repealed.

E. The governing authority of each public secondary school that issues student identification cards shall have printed on the cards and shall post on the school website the following information:

1. the National Suicide Prevention Lifeline hotline number, "988"; and

2. ...

F. Each LEA shall adopt regulations to implement a program regarding behavioral and emotional challenges and referral for assessment. The program shall:

1. Assist school personnel in identification of signs and symptoms of student behavior that may indicate a student could be at risk of escalation into aggression, disruption, disciplinary actions including suspension or expulsion, or juvenile delinquency.

2. Designate a specific employee at each school who shall be responsible for identifying behavioral and mental health support services available in the community and, when appropriate, facilitating referral to services for assessment and treatment.

3. Provide consultation with the principal or designee and employee designated in Paragraph 2 of this Subsection to determine the likelihood that a student's behavior could be attributable to behavioral or emotional challenges after any second disciplinary suspension of a student during the same school year.

4. Require that when behavior rises to the level in which supportive services could be beneficial, a parent conference is held to discuss the behavior and referral of the student and family to support services for assessment and treatment.

5. Submit an annual report to LDOE and the House and Senate Committees on Education by July first that reflects data from the previous school year regarding:

a. the number of students identified as possibly having behavioral or emotional challenges;

b. the number of students for which a conference was scheduled in accordance with this Subsection; and

c. the number of students referred for assessment and supportive services in accordance with this Subsection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:13.1, R.S. 17:283, and R.S. 17:403.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1278 (June 2005), amended LR 39:2208 (August 2013), LR 45:1746 (December 2019), LR 50:177 (February 2024), LR 51:

§1129. Dating Violence

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 40:2529 (December 2014), repealed LR 51:

§1141. Electronic Telecommunication Devices

A. No student, unless authorized by the school principal or his/her designee, shall use or operate any facsimile system, radio paging service, mobile telephone service, intercom, or electro-mechanical paging system, in any public school building or school grounds or in any school bus.

B. Beginning with the 2024-2025 school year, no student shall possess, on his person, an electronic telecommunication device throughout the instructional day, including wearable technology capable of sending or receiving text messages and other similar notifications.

1. If a student brings an electronic device in any public elementary or secondary school building or on the grounds thereof during an instructional day, the electronic device shall either be turned off and properly stowed away for the duration of the instructional day or prohibited from being turned on and used during the instructional day.

2. The provisions of Subsection B of this Section are not applicable to any student whose IEP, IAP, Section 504 Plan, or IHP requires the use of an electronic telecommunication device.

C. Nothing in this Section shall prohibit the use and operation by any person, including students, of any electronic telecommunication device in the event of an emergency in which there is actual or imminent threat to public safety.

1. - 2. Repealed.

D. No later than January 1, 2025, each LEA shall adopt a policy to implement the provisions of this Section.

1. Such policy shall include, but not be limited to:

a. A definition for instructional day to include start and ending times of the instructional day;

b. Applicability of this Section to school-sponsored events, including athletic competitions and field trips, taking place during an instructional day;

c. Acceptable means by which parents or guardians may contact students during the instructional day;

d. Prohibition of students from utilizing school-issued devices to access personal messaging features and social media accounts not used for educational purposes; and

e. Disciplinary regulations for a student who fails to comply with the policy on one or more occasions.

2. Prior to the adoption of such policy, the LEA must seek feedback from parents, students, teachers, administrators, and other school stakeholders. Solicitation of feedback may be satisfied through public comment received during an open meeting of the school board prior to final adoption.

E. No later than March 1, 2025, the LEA shall submit to the LDOE a copy of the local policy adopted in accordance with this Subsection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81 and R.S. 17:239.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1282 (June 2005),

amended LR 37:1134 (April 2011), LR 39:2209 (August 2013), LR 51:

Chapter 13. Discipline

§1301. Disciplinary Regulations

A. Each LEA shall adopt such rules and regulations as it deems necessary to implement and control any disorderly conduct in the school or on the playground of the school, on any school bus, on the street or road while going to and from school, or during intermission and recess, or at any school sponsored activity or function.

1. The plan shall not prohibit a teacher from removing a pupil from the classroom for disciplinary reasons. A student whose behavior prevents the orderly instruction of other students or poses an immediate threat to the safety or physical well-being of any student or teacher shall be immediately removed from the classroom and placed in the custody of the principal or designee.

2. ...

3. The plan shall not prohibit or discourage a teacher from taking disciplinary action, recommending disciplinary action, or completing a form to initiate disciplinary action against a student who violates school policy or who interferes with an orderly education process.

4. A principal or administrator shall not retaliate or take adverse employment action against a teacher for taking disciplinary action.

5. Each LEA shall adopt rules regarding the reporting and review of disciplinary actions.

B. - G.2.c.xi. ...

xii. requiring the completion of all assigned school work and homework that would have been assigned and completed by the student during the period of out-of-school suspension.

xiii. any other disciplinary measure authorized by the principal with the concurrence of the teacher of the school building level committee pursuant to law and LEA policy.

3. ...

4. Upon the third disciplinary removal from the same classroom, the teacher and principal shall discuss the disruptive behavior patterns of the student and the appropriate classroom disciplinary action prior to principal application of a disciplinary measure. A conference between the teacher or other appropriate school employee and the student's parent or legal custodian is required prior to student readmission to the same classroom. Such conference may be in person, by telephone, or by other virtual means. If such a conference is required by the school or LEA policy, the school shall give written notice to the parent.

G.5. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:223-224, R.S. 17:416, and R.S. 17:416.13.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1282 (June 2005), amended LR 36:1225 (June 2010), LR 37:1132, 1133 (April 2011), LR 39:476 (March 2013), LR 39:2210 (August 2013), LR 39:3069 (November 2013), LR 48:1011 (April 2022), LR 51:

§1302. Student Code of Conduct

A. - A.4. ...

a. Before an initial referral for student expulsion, codes of conduct shall require the prior administration of interventions in accordance with the minor tiers in the code

of conduct, except in instances where the expulsion referral is the result of accumulated minor infractions in accordance with the code of conduct, the underlying incident threatens the safety and health of students or staff, or the offense is related to possession of tobacco, alcohol, or vaping products on school property, on a school bus, or at a school-sponsored event.

A.4.b. - 5. ...

6. Each LEA shall include in its code of conduct clearly defined rules of conduct and expectations of students engaged in virtual instruction as well as clearly defined consequences of conduct, respecting the student and family rights to privacy and other constitutional rights while at home or in a location that is not school property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81, R.S. 17:223-224, R.S. 17:416, and R.S. 17:416.13.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:477 (March 2013), amended LR 40:2530 (December 2014), LR 48:1012 (April 2022), LR 51:

§1303. Bullying

A. - A.2.c. ...

B. - B.5. Repealed.

C. - G.3.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:415, R.S. 17:416, R.S. 17:416.13, and R.S. 17:416.14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:477 (March 2013), amended LR 39:3259 (December 2013), LR 49:250 (February 2023), repromulgated LR 49:856 (May 2023), amended LR 51:

§1304. Classroom Management Training for School Staff

[Formerly §1302]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:252.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:1380 (May 2011), repromulgated LR 39:479 (March 2013), amended LR 39:2210 (August 2013), repealed LR 51:

§1307. Reasons for Expulsions

A. Students may be expelled for any of the following reasons:

1. Any student, after being suspended for committing any of the offenses listed in §1305 of this Chapter, may be expelled upon recommendation by the principal of the public school in which the student is enrolled.

2. Any student, after being suspended on three occasions for committing drugs or weapons offenses during the same school session, shall, on committing the fourth offense, be expelled from all the public schools of the parish or city school system wherein he or she resides until the beginning of the next regular school year, subject to the review and approval of the local educational governing authority.

3. The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act which, had it been committed by an adult, would have constituted a felony, may be cause for expulsion of the student for a period of time as determined by the board.

a. Such expulsions shall require the vote of two thirds of the elected members of the local educational governing authority.

b. Such expulsions shall not be for a period of time longer than the student's period of adjudication as determined by the applicable court presiding over the student's criminal matter, shall run concurrent to the student's period of disposition, and may require the student to serve the time left in the expulsion period as required by the superintendent or designee if the student was serving an expulsion period when the student was incarcerated for a separate offense and the student completes the period of incarceration with time left in the expulsion period.

c. Such conviction or incarceration may be sufficient cause for a superintendent to refuse admission of the student to a school except upon review and approval of a majority of the elected members of the local school board.

4. Any student in sixth grade and above found guilty of being in possession of tobacco, alcohol, or vaping products on school property, on a school bus, or at a school-sponsored event may be recommended for expulsion.

5. A student in grades six and above who is found guilty of being in possession of a firearm, a knife with a blade equal to or in excess of two and one-half inches in length, or any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school event shall be expelled from school according to the requirements of R.S. 17:416(C)(2). The school principal or designee shall, within five days of arrest, refer such student for testing or screening by a qualified medical professional for evidence of abuse of alcohol, illegal narcotics, drugs, or other controlled dangerous substances. If evidence of abuse is found, the principal or designee shall refer the student to an alcohol and drug abuse treatment professional chosen by the student's parent or legal guardian.

6. Any student in sixth grade and above who is suspended a third time within the same school year for any offense, excluding dress code violation or tardiness, shall be recommended for expulsion.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005), amended LR 34:608 (April 2008), LR 39:2211 (August 2013), LR 43:2483 (December 2017), LR 48:1013 (April 2022), LR 51:

§1309. Guidelines for Expulsions

A. - C. ...

D. A student expelled from school pursuant to the provisions of R.S. 17:416 may be readmitted on a probationary basis to school at any time during the specified period of expulsion on such terms and conditions as may be stipulated by the city, parish, or other local school superintendent and agreed to in writing by the student and by the student's parent or other person responsible for the student's school attendance. However, any such written agreement shall include a provision that upon the school principal or superintendent of schools determination that the student has violated any term or condition of the agreement, the student shall be immediately removed from the school premises without the benefit of any hearing or other procedure applicable to student out-of-school suspensions and expulsions and returned to the school system alternative school setting. As soon thereafter as possible, the principal or designee shall provide verbal notice to the superintendent

of schools of any such determination and also shall attempt to provide such verbal notice to the student's parent or other person responsible for the student's school attendance. The principal or his designee also shall provide written notice of the determination and the reasons therefore to the superintendent and to the student's parent or other responsible person.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005), amended LR 34:608 (April 2008), LR 35:1098 (June 2009), LR 48:1013 (April 2022), LR 51:

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2303. Planning and Instruction

A. - B. ...

1. Systematic planning includes weekly, job-embedded teacher collaboration led by a skilled facilitator to support groups of similar teachers in building expertise in the implementation of high quality instructional materials, strategies for meeting the needs of students and teachers using both student and teacher data and work samples, and strategies for most effectively meeting student needs during core instruction, tutoring, and intervention time.

2. For courses for which a high-quality curriculum has been adopted, systematic planning includes educator internalization of the lesson to understand how the lesson is designed to be approached and implemented. Expectations for internalization strategies must be differentiated to provide for professional autonomy according to the effectiveness of the teacher.

3. For courses for which a high-quality curriculum has not been adopted, systematic planning includes lesson design and preparation in accordance with Louisiana content standards.

C. - F. ...

1. Except for the explicit direct instruction required for specific intervention programs, educators rated Proficient or higher on the previous year evaluation must not be required to read verbatim from a teaching manual or lesson plan.

2. Educators rated Proficient or higher on the previous year evaluation must be provided professional autonomy regarding the selection and utilization of instructional strategies in alignment with state content standards.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution Art. VIII Preamble and R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1288 (June 2005), amended LR 39:2213 (August 2013), LR 40:764 (April 2014), LR 51:

§2305. Ancillary Areas of Instruction

A. - E. ...

F. - F.5. Repealed.

G. - G.2. ...

H. - L.1. Repealed.

M. ...

N. - R. Repealed.

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 48:33 (January 2022), LR 49:251 (February 2023), repromulgated LR 49:857 (May 2023), amended LR 50:177 (February 2024), 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? Yes.

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, November 9, 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: Let Teachers Teach Legislation and Updates

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 aligns Board of Elementary and Secondary Education (BESE) policy with legislation enacted in the 2024 Regular Legislative Session. The rule change adopts requirements for implementation of Act 337: Mandatory expulsion; Act 313: Electronic telecommunication devices; Act 324: Behavioral and emotional challenges program; Act 331: Print 988 on ID cards; Act 386: Truancy; Act 400 Student Discipline and Teacher Bill of Rights; and Acts 686 and 716: Required instruction and training. Further changes include policy updates in response to the recommendations of the Let Teachers Teach Workgroup. The proposed changes remove discipline statistics from criteria for assigning intervention status in the state accountability system and update requirements regarding lesson planning and instruction.

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)

Educators may realize a reduction in workload due to the removal of several state-mandated training requirements. There is no anticipated impact on small businesses or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Removal of redundant or unnecessary tasks could improve teacher satisfaction and elevate the profession. The result may increase the number of high-quality veteran teachers who remain in education.

Beth Scioneaux
Deputy Superintendent
2410#057

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Special Education

(LAC 28:XLIII.151, 322, Chapter 5, 1507, and 1511, LAC 28:LXI.305, LAC 28:XCI.Chapter 1, 309, and 313, and LAC 28:CXV.Chapter 3)

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:XLIII in *Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act*, LAC 28:LXI in *Bulletin 1573—Complaint Management Procedures*, LAC 28:XCI in *Bulletin 1922—Compliance Monitoring Procedures*, and LAC 28:CXV *Bulletin 741—Louisiana Handbook for School Administrators*. The aforementioned amendments align BESE policy with special education legislation enacted by the 2024 Regular Legislative Session. The revisions adopt requirements for implementation of Act 198: early resolution process, Act 512: IEP scheduling and due process, and Act 689: tutorship. Further updates address recommendations from the Louisiana Legislative Audit on Risk-Based Monitoring and response to public comments received during the Notice of Intent process regarding timelines for special education services.

**Title 28
EDUCATION**

Part XLIII. Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act

Subpart I. Students with Disabilities

Chapter 1. State Eligibility

Subchapter J. State Complaint Procedures

§151. Adoption of State Complaint Procedures and Early Resolution Program

A. - C.3. ...

D. A written agreement developed pursuant to the early resolution process is enforceable in any court of competent jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2046 (October 2008), amended LR 36:1499 (July 2010), LR 51:

Chapter 3. Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements :

Summary of Public Comments and Agency Response (SPCAR)

Regarding Proposed Revisions to *Bulletin 103 - Louisiana Health Education Content Standards*

Background

Act 686 of the 2024 Regular Legislative Session repealed certain student instruction mandates and directed the Board of Elementary and Secondary Education (BESE) to promulgate rules for implementation. In August 2024, the Louisiana Department of Education (LDOE) recommended revisions to *Bulletin 103 - Louisiana Health Education Content Standards* in response to this legislation and the recommendations of the Let Teachers Teach Work Group to identify common classroom disruptions and unnecessary bureaucracies. BESE approved the proposed revisions, and the Notice of Intent (NOI) was published in the October 20, 2024, issue of the Louisiana Register. Guidance regarding the updated training requirements was disseminated to school system leaders to delineate the trainings that had become optional, had been reduced or eliminated, or were still required as part of content standards for courses.

Summary of Comments Received

One public comment was received prior to the November 9, 2024, deadline. The author of the comment requests the following:

1. Maintain the requirement enacted by ACT 517 of the 2014 Regular Legislative Session, which requires high school students to receive instruction in CPR and the use of AEDs as a graduation requirement.

Agency Response

In response to the concern expressed, Section 521 of *Bulletin 103 - Louisiana Health Education Content Standards* outlines high school grade-level expectations and maintains that students “demonstrate lifesaving techniques through CPR and first aid.” Further, Section 2347 of *Bulletin 741 - Louisiana Handbook for School Administrators* mandates that one-half unit of health education is required for graduation. As part of the course, “Instruction shall be provided relative to cardiopulmonary resuscitation and the use of an automated external defibrillator.”

LDOE Recommendation

The LDOE agrees with the American Heart Association on the importance of increasing education regarding CPR and the use of AEDs. LDOE recommends proceeding with the adoption of the Notice of Intent as a Final Rule in the January 20, 2025, issue of the *Louisiana Register*.



American
Heart
Association.



November 5, 2024

Tavares A. Walker
Executive Director
Board of Elementary and Secondary Education
Box 94064, Capitol Station
Baton Rouge, LA 70804-9064

Re: LA 17289 2024 Rule, Title 28, EDUCATION, Part LIX. Bulletin 103 - Louisiana Health Education Content Standards, Chapter 3. Teaching and Learning of Health Education §309. Requirements

Dear Mr. Walker and Esteemed Members,

On behalf of the American Heart Association and our volunteers, we thank you for the opportunity to submit comments and recommendations for LA 17289 2024 Rule, Title 28, EDUCATION, Part LIX. Bulletin 103 - Louisiana Health Education Content Standards, Chapter 3. Teaching and Learning of Health Education, §309. Requirements.

For 100 years, the American Heart Association, alongside our volunteers, supporters and collaborating organizations, has worked to build longer, healthier lives. As we move into the second century of our work, we are committed to advancing health and hope as we embark on training a Nation of Lifesavers. Our Nation of Lifesavers campaign aims to turn bystanders into lifesavers by increasing training and education about CPR and the use of automated external defibrillators (AEDs).

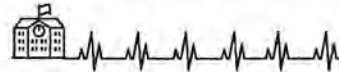
It is with this goal in mind that we respectfully ask your governing authority to maintain the requirement passed in HB 542 in 2014 which:

"...requires students in grades 9-12 in public high school is provided instruction relative to cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) and requires that the instruction be integrated into a health education course that is required for graduation..."

In 2014, the Louisiana State Legislature took significant lifesaving steps by passing HB 542, becoming the 14th state in the country requiring high schools to provide CPR and AED instruction. Since the passage of the Burke Cobb Act, named for Burke Cobb, a Dutchtown High School student who passed away in 2012 after collapsing while playing basketball in the school's gymnasium, 26 other states have followed suit and committed to training their high school students before they graduate.



American
Heart
Association.



CPR in Schools

Training the next generation of heartsavers.

Since implementation of the Burke Cobb Act began in 2015, Louisiana schools have trained more than 325,000 high school students in this important lifesaving skill, putting thousands of qualified lifesavers in our communities. To ensure schools continue to have the resources they need to turn student bystanders into lifesavers, earlier this year the AHA helped secure a \$250,000 state appropriation for the Louisiana Department of Education. Schools can access this funding to purchase equipment and training resources.

R.S. 17:6 (A)(15) and R.S. 17:6(A)(16) authorizes the Board to promulgate rules that require the inclusion of certain topics in student instruction, including CPR. We respectfully ask the Board to act on this authority and maintain the requirement that all high school students receive CPR and AED training as part of the health education class required for high school graduation. Doing so will ensure Louisiana remains at the forefront of creating a Nation of Lifesavers.

Sincerely,

Erica Williams

Erica Williams
Louisiana Government Relations Director

Candice Whigham

Candice Whigham (Nov 8, 2024 11:20 CST)

Candice Whigham
Advocacy Committee Chair

CC: Governor Landry
Dr. Cade Brumley,
Louisiana State Superintendent of Education