



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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January 10, 2022

MEMORANDUM

TO: Senator Patrick Page Cortez, Senate President
Representative Clay Schexnayder, Speaker of the House
Senator Cleo Fields, Chair, Senate Committee on Education
Representative Raymond E. Garofalo, Chair, House Committee on Education

FROM: Shan N. Davis, Executive Director
Board of Elementary and Secondary Education

RE: Summary Report on Board of Elementary and Secondary Education Proposed Rulemaking

Pursuant to R.S. 49:968(D)(1)(b), the Board of Elementary and Secondary Education hereby submits to you this summary report and announces its plan to proceed with rulemaking by finalizing the December 20, 2022, Notice of Intent that was promulgated on pages 1924-1925 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 March 20, 2022, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

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

SND:slr

Attachment (1)

- c: Shalyric Self, Secretary, Senate Committee on Education
Cheryl Serrett, Analyst, Senate Committee on Education
Elizabeth Borne, Legislative Analyst, House Committee on Education
Lisa Lovello, Legislative Analyst, House Committee on Education
Ashley Townsend, Policy Director, Louisiana Department of Education
Shan N. Davis, Executive Director, BESE
Kevin Calbert, Communications Manager, BESE

Shan N. Davis
Executive Director

Cade Brumley
State Superintendent

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

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

Beth Scioneaux
Deputy Superintendent
2112#038

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

**Bulletin 111—The Louisiana School, District, and State
Accountability System—Interests and Opportunities Index
(LAC 28:XI.801)**

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:XI, Accountability/Testing, Subpart 1, Bulletin 111—The Louisiana School, District, and State Accountability System. The aforementioned revisions provide a menu approach for the Interests and Opportunities index calculation. The 2021-2022 school year will serve as a learning year in which school districts adjust to the use of domains and indicators for the interests and opportunities index calculation.

Title 28

EDUCATION

Part XI. Accountability/Testing

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

**Chapter 8. Interests and Opportunities Index
Calculations**

§801. Interests and Opportunities Index Components

A. ...

B. For the 2019-2020 baseline school year, 2020-2021 school year, and 2021-2022 school year, the interests and opportunities index for K-8 schools will be based in equal parts on survey completion and course enrollment.

C. ...

D. Beginning with the 2022-2023 school year (2023 SPS), K-8 schools and high schools will select from a list of approved domains and associated indicators that will serve as the basis for the interests and opportunities index calculation.

1. *Domains* are defined as a broad grouping of offerings related to student interests. Beginning with the 2022-2023 school year (2023 SPS), the following domains shall be applicable to the interests and opportunities index calculation:

- a. the arts;
- b. extracurricular activities;
- c. STEM (science, technology, engineering, and math); and
- d. world languages.

2. *Indicators* are defined as specific measures that capture the extent to which a school is advancing student interests and opportunities. For purposes of the interests and opportunities index, K-8 schools and high schools shall

select four total indicators. These indicators shall be associated with at least two different domains.

3. The 2021-2022 school year (2022 SPS) will be a designated learning year as local education agencies adjust to the interests and opportunities index criteria outlined in this Subsection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:1450 (October 2019), amended LR 46:1372 (October 2020), LR 48:

Family Impact Statement

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

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

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

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

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

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the

drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, January 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: *Bulletin 111—The Louisiana School, District, and State Accountability System Interests and Opportunities Index*

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

The proposed revisions will have no impact for the 2021-22 school year which shall serve to establish a baseline for future reporting. There may be future impacts to the extent that the interests and opportunities indicator incentivizes schools to expand course offerings in order to improve their School Performance Scores (SPS). Schools may incur costs to offer a greater variety of courses and extracurricular activities; however, because this index is only worth 5% of the overall SPS, and because schools will be able to select from a wide variety of indicators on which to be scored, any increase in costs is unlikely to be significant. There may be an increased workload for school administrators to annually complete the new interests and opportunities index surveys, as well as for the Department of Education (LDE) staff to finalize the domains and indicators utilized in the index; however, this increased workload is not expected to be significant.

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

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

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

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

Students in LA may realize benefits if annual completion and usage of the Interests and Opportunities Index results in an expansion of course offerings targeted at training underserved career skills that more closely match a student's interests or aptitudes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Beth Scioneaux
Deputy Superintendent
2110#038

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 130—Evaluation and Assessment of Personnel (LAC 28:CXLVII.105, 301, and 323)

Editor's Note: This Notice of Intent is being reprinted because of an error upon submission. The original Notice of Intent can be viewed in its entirety on pages 1674-1676 of the November 20, 2021 Louisiana Register.

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education has approved for advertisement amendments to *Bulletin 130—Evaluation and Assessment of Personnel*. The proposed revisions would require, for the 2021-2022 academic year, the 50 percent of the evaluation that is based on a qualitative measure of teacher and administrator performance include one announced observation for teachers and administrators. However, any teacher or administrator who earns an observation rating of Ineffective or Effective: Emerging shall be observed a second time. Further, in August 2021, BESE approved, as a Notice of Intent, revisions to Bulletin 130 in response to Act 275 of the 2021 Regular Legislative Session. Revisions update terminology to refer to "school guidance counselors" as "school counselors." The same update is being made to §323. Job Descriptions.

Title 28

EDUCATION

Part CXLVII. Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel

Chapter 1. Overview

§105. Framework for LEA Personnel Evaluation Programs [Formerly §109]

A. - B.2. ...

3. Observation/Data Collection Process. The evaluator or evaluators of each teacher and administrator shall conduct observations of teacher and administrator practice sufficient to gain a complete picture of performance and impart individualized feedback each year.

a. for the 2020-2021 and 2021-2022 academic years only, this shall include one announced observation for teachers and administrators.

b. ...

c. following the 2021-2022 academic year, this shall include a minimum of two observations per academic year and may include more observations, particularly for