



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

Paul Hollis
1st BESE District

Sharon Clark
2nd BESE District

Sandy Holloway
3rd BESE District

Stacey Melerine
4th BESE District

Lance Harris
5th BESE District

Ronnie Morris
6th BESE District

Kevin Berken
7th BESE District

Preston Castille
8th BESE District

Conrad Appel
Member-at-Large

Judy Armstrong
Member-at-Large

Simone Champagne
Member-at-Large

January 13, 2025

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 **not** proceed with rulemaking by not finalizing the November 20, 2024, Notice of Intent that was promulgated on pages 1727-1729 of the *Louisiana Register*.

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 January 10, 2025, and took the following action:

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

1. received the SPCAR regarding revisions to Bulletin 135, *Health and Safety*, and Bulletin 741 (Nonpublic), *Louisiana Handbook for Nonpublic School Administrators*;
2. authorized the BESE staff to submit the summary report to the Legislative Oversight Committees;
3. approved, as a new Notice of Intent, revisions to Bulletin 135, *Health and Safety*: §303. Immunizations; and Bulletin 741 (Nonpublic), *Louisiana Handbook for Nonpublic School Administrators*: §1101. Immunization.

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. Jill Hines, Co-Director Health Freedom Louisiana, dated December 3, 2024.

Tavares A. Walker
Executive Director

Dr. Cade Brumley
State Superintendent

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)

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

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: Establish Committee

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change provides for the establishment of the Board of Elementary and Secondary Education (BESE) Legislative and Governmental Affairs Committee. The purpose of the committee is to support activities related to advancing the legislative agenda of BESE. These activities include providing timely input on BESE's legislative agenda and priorities, budget and legislative proposals, and legislation on the federal and state levels.

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 Scigneaux
Deputy Superintendent
2411#044

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Immunizations
(LAC 28:LXXIX.1101 and LAC 28:CLVII.303)

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:LXXIX in *Bulletin 741 (Nonpublic)*—*Louisiana Handbook for Nonpublic School Administrators* and LAC 28:CLVII in *Bulletin 135—Health and Safety*. Acts 675 and 460 of the 2024 Regular Legislative Session provided for additional parental information regarding immunizations for students enrolling in or attending Louisiana schools. The proposed revisions further clarify these provisions.

Title 28

EDUCATION

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

Chapter 11. Health

§1101. Immunization

A. - D.1. ...

E. No student attending or seeking to enter any school shall be required to comply with the provisions of this Section if the student or the student's parent or guardian submits either a written statement from a physician stating that the procedure is contraindicated for medical reasons, or a written dissent from the student or the student's parent or guardian is presented.

F. - J. ...

K. Prior to student participation in activities during which individuals not employed by the school share information regarding immunizations, notification and the opportunity to exempt students from participation in the activity shall be provided to parents or guardians.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, 44:411, 17:170(D), and 17:170(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3078 (December 2005), LR 35:1232 (July 2009), LR 35:2348 (November 2009), LR 39:1443 (June 2013), repromulgated LR 46:1674 (December 2020), amended LR 51:

Title 28

EDUCATION

Part CLVII. Bulletin 135—Health and Safety

Chapter 3. Health

§303. Immunizations

A. - D. ...

E. No student attending or seeking to enter any school shall be required to comply with the provisions of this Section if the student or the student's parent or guardian submits either a written statement from a physician stating that the procedure is contraindicated for medical reasons, or a written dissent from the student or his parent or guardian is presented.

F. - J. ...

K. Prior to student participation in activities during which individuals not employed by the school share information regarding immunizations, notification and the opportunity to exempt students from participation in the activity shall be provided to parents or guardians.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:170, 17:170.2, and 17:170.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1029 (April 2013), amended LR 45:35 (January 2019), LR 48:2549 (October 2022), 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: Immunizations**

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 741 (Nonpublic)—*Louisiana Handbook for Nonpublic School Administrators* and Bulletin 135—*Health and Safety*. Acts 675 and 460 of the 2024 RS provided additional parental choice regarding vaccine requirements for students enrolling in or attending Louisiana schools. The proposed rule change further clarifies these provisions.

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#051

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

**NOTICE OF INTENT
Board of Regents
Office of Student Financial Assistance**

Scholarship/Grant Programs
Exceptions
(LAC 28:IV.2103)

The Board of Regents announces its intention to amend its Scholarship/Grant rules (LSA-R.S. 17:3021-3025, LSA-R.S. 3041.10-3041.15, LSA-R.S. 17:3042.1, LSA-R.S. 17:3048.1, LSA-R.S. 17:3048.5 and LSA-R.S. 17:3048.6).

This rulemaking provides an exception to the provision that precludes the granting of an exception based on financial conditions in certain circumstances. (SG25219NI)

**Title 28
EDUCATION**

**Part IV. Student Financial Assistance—Higher
Education Scholarship and Grant Programs
Chapter 21. Miscellaneous Provisions and Exceptions
§2103. Circumstances Warranting Exception to the
Initial and Continuous Enrollment
Requirements**

A. - D.3. ...

4.a. - c.iii. Repealed.

E. - E.4.b.iii. ...

c. Temporary Disability—Mental Health

i. Definition. The student/recipient is receiving mental health care services.

ii. Certification Requirements. The student/recipient must submit:

(a). a completed exception request form, the reason for the disability, the necessity of withdrawing, dropping hours, etc., the semester(s) involved, and any other information or documents that may be relevant to student's request; and

(b). a written statement from a qualified professional or from a clergyman certifying the existence of an issue which requires mental health care, the dates of treatment, an opinion as to the impact of the disability on the student's ability to attend school, and a statement of when the disability is/was affecting student's ability to attend school.

iii. Maximum length of exception—up to two full academic years.

E.5. - E.13.a.i. ...

(a). financial conditions related to a student's ability to meet his or her educational expenses are not a justified reason for failure to meet the hours or continuous enrollment requirement, because TOPS is a merit, rather than need-based award, except that the student's or their family's financial condition may be considered, provided

Summary of Public Comments and Agency Response (SPCAR)

Regarding Proposed Revisions to *Bulletin 135 - Health and Safety*, and *Bulletin 741 (Nonpublic) - Louisiana Handbook for Nonpublic School Administrators*

Background

Louisiana R.S. 17:170 outlines the immunization requirements of students entering or attending school in addition to provisions for exemptions. Act 675 of the 2024 Regular Legislative Session required that any communication issued to students or their parents or guardians relative to immunization requirements must include information relative to exemption from such requirements. The statute further mandates that no person attending or seeking to enter any school shall be required to provide proof of immunization if the person or the parent submits written dissent. In March 2024, the Board of Elementary and Secondary Education (BESE) adopted revisions to policy regarding immunization requirements and communication. In October 2024, the Louisiana Department of Education (LDOE) recommended additional revisions to *Bulletin 135 - Health and Safety*, and *Bulletin 741 (Nonpublic) - Louisiana Handbook for Nonpublic School Administrators* in response to the legislation and to further clarify that these requirements apply to communication delivered via programs or activities during the school day.

Summary of Comments Received

One public comment was received prior to the December 10, 2024, deadline. The author of the comment expressed the following:

1. There is concern that additional clarity to the revision is required to fully address the initial issue. Additional text has been suggested for consideration.

Agency Response

In response to the concern expressed, the LDOE agrees that while the intent of the provisions proposed is to include multiple forms of communication, not just print or digital formats, stakeholders may benefit from additional specificity. The LDOE proposes changes to the language to provide further detail and clarification.

rec'd 12/4/24
JH



Health Freedom Louisiana
3301 17th Street #7443
Metairie, LA 70010
info@healthfreedomla.org

December 3, 2024

Tavares A. Walker
Executive Director
BESE
Suite 5-190
120 North Third St.
Baton Rouge, LA 70804-9064

Dear Mr. Walker,

I am writing today concerning the notice of intent that was recently added to both Bulletin 741 (Nonpublic), Chapter 11 Health, Section 1101 Immunization, Section K, and Bulletin 135–Health and Safety, Chapter 3 Health, Section 303 Immunizations, Section K which reads:

K. Prior to student participation in activities during which individuals not employed by the school share information regarding immunizations, notification and the opportunity to exempt students from participation in the activity shall be provided to parents or guardians.

We are concerned this isn't as clear as it could be and perhaps doesn't fully address the initial issue. We would like to suggest the revised text below and offer it for your consideration:

Prior to student participation in activities that include, but are not limited to, presentations, talks, or lessons during which individuals—whether employed by the school or not—share information about immunizations, or on-campus vaccination clinics (including school-based health centers where immunizations will be administered), parents or guardians shall be notified in advance and be given the opportunity to exempt their child from participation in the activity.

Thank you so much,

Jill Hines

Jill Hines
Co-Director, Health Freedom Louisiana