



# STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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June 10, 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 proceed with rulemaking by finalizing the May 20, 2025, Notice of Intent that was promulgated on pages 689-690 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 August 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)

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

# Notices of Intent

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Bulletin 118—Statewide Assessment Standards and Practices—Cell Phone Use During Testing (LAC 28:X1.5316)

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:X1 in *Bulletin 118—Statewide Assessment Standards and Practices*. The proposed revisions require that the test of any student found to have a cell phone or other device with imaging or text-messaging capability, during a test session, be voided. Additionally, the revisions establish an exception for students with a documented medical condition that requires use of a cell phone.

### Title 28

### EDUCATION

#### Part XI. Accountability/Testing

##### Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

##### Chapter 53. Test Security

##### §5316. Cell Phones and Other Electronic Devices [Formerly LAC 28:CXL316]

A. If district and school policy allows for students and personnel to carry cell phones or other similar technological devices with imaging or text-messaging capability, test administrators must collect all devices prior to student access to secure test materials. If a student is in possession of and/or uses a cell phone or electronic device in any manner during the administration of a statewide test, the phone or electronic device will be confiscated until there is confirmation that all traces of information related to the test, whether in print, image, or verbal form, have been removed from all local and cloud storage and that no such traces remain on the device.

1. Test administrators may have devices, but they must be in the off position while around secure test materials, unless requesting technical assistance during online assessments.

2. The test of any student found to have a cell phone or other device with imaging or text messaging capability during a test session in violation of this policy will be voided.

3. ...

4. Students who have a documented medical condition requiring the need to have an electronic device on or near them during testing should keep the device in its normal location but the device must be carefully monitored. If the device is used for any non-medical purpose, the test of the student will be voided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24, *et seq.*

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

32:391 (March 2006), amended LR 40:2512 (December 2014), LR 43:635 (April 2017), 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, June 9, 2025, 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 118—Statewide Assessment Standards and Practices Cell Phone Use During Testing

#### 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. If a student is found to have a cell phone or other device with imaging capability during a statewide assessment, the score earned on such an assessment will be voided. Additionally, the rule change establishes an exception for students with a documented medical condition that requires use of a cell phone.

#### 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 business, 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  
2505#021

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School  
Administrators—Freedom Seal  
(LAC 28:CXV.2317)

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*. The revisions establish the Freedom Framework diploma endorsement to recognize students scoring mastery and above on the LEAP civics assessment. The revisions also provide that, along with the seal, students are eligible to receive red, white, and blue honor cords.

### Title 28

### EDUCATION

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

#### Chapter 23. Curriculum and Instruction

#### Subchapter A. Standards and Curricula

#### §2317. High Schools

A. - K.2.b. ...

#### L. Freedom Framework Diploma Endorsement

1. Beginning with the 2025-2026 school year, high school students scoring mastery or above on the LEAP 2025 civics assessment shall be eligible for the Freedom Framework diploma endorsement.

2. The Freedom Framework diploma endorsement is indicated with a diploma seal and a red, white, and blue honor cord.

3. Each LEA must:

a. provide information regarding the requirements to attain a Freedom Framework diploma endorsement to students and their parents or legal custodians as part of the individual graduation plan developed beginning in the eighth grade and updated annually; and

b. maintain records needed to verify the eligibility of students who have attained a Freedom Framework diploma endorsement, denote such attainment on the student transcript, and affix the applicable diploma seal to the high school diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:154, 17:264, 17:1944, 17:1945, and 17:4073.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 36:1485 (July 2010), LR 37:1137 (April 2011), LR 38:754 (March 2012), LR 39:1038 (April 2013), LR 39:2216 (August 2013), LR 40:1328 (July 2014), repromulgated LR 40:1528 (August 2014), amended LR 40:2530 (December 2014), LR 45:37 (January 2019), LR 45:227 (February 2019), LR 46:1671 (December 2020), amended LR 48:33 (January 2022), LR 50:178 (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