



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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March 12, 2021

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 February 20, 2021, Notice of Intent that was promulgated on pages 279-284 of the *Louisiana Register*.

The Board has received no comments or requests for a public hearing 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 May 20, 2021, 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
Ryan Gremillion, 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

Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806 and must be received no later than 4 p.m. on the 10th day of March, 2021.

Mike Strain, DVM
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Forestry Productivity Program**

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

Besides the cost of rule promulgation, which is normally included in the department's annual operating budget, the proposed rule change will not result in any costs or savings to either the Louisiana Department of Agriculture and Forestry ("LDAF") or state or local governmental units. The proposed rule allows the Commissioner of LDAF to determine the State's annual level of involvement in the Forestry Productivity Program ("FPP") based upon the recommendation of the Forestry commission. The FPP expends all available funds every fiscal year. The proposed rule change will not increase the overall expenditure of available funds. Also, the proposed rule change eliminates the specific maximum cost share rates presently set forth.

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

The proposed rule change will have no effect on revenue collections of state or local governmental units as the FPP is funded through a statutory dedication of timber severance taxes.

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

The proposed rule change will allow the Commissioner of Agriculture & Forestry, upon recommendation of the Louisiana Forestry Commission, to determine the State's level of participation in the Forestry Productivity Program (FPP). The determination will be based on annual available funding and program interest. The estimated economic benefits to directly affected persons, small businesses, or non-governmental groups will result in setting program parameters to maximize benefits to a larger number of program participants.

Forest landowners who participate in the Forestry Productivity Program and whose costs will equal or exceed the maximum cost-share rate will be affected indirectly since the amount of reimbursement will increase. There is no way to determine how many of such landowners will be affected or the amount they will receive. The program operates on a "first come-first served" basis and there is no way to predict how many landowners will be chosen to participate or the amount of costs that will be submitted.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This Rule change will have no estimated effect on Competition and Employment.

Dani K. Morgan
Assistant Commissioner
2102#046

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment
Standards and Practices
(LAC 28:XL.5105, 5107, 5305, 5701, 5907, 6151, 6153, 6803, 6819, 6823, 6825, 6829, 6901, 6913, 7209, 7301, 7501, 7701, 7703, 8301, 8303, 8306, 8307, 8501, and 8507)

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 approved for advertisement to revise *Bulletin 118—Statewide Assessment Standards and Practices*. The proposed revisions adjust timelines to allow for flexibility in the event of a future pandemic or natural disaster; update assessments that are included in statewide administrations and the corresponding achievement levels to transition from End-of-Course (EOC) tests to LEAP 2025 high school and from LAA1 to LEAP Connect; align accommodations to new assessments; eliminate language related to LEAP grade 4 and 8 summer retests; and simplify requirements for promotion of students in fourth and eighth grades.

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 51. General Provisions

§5105. Testing and Accountability

[Formerly LAC 28:CXL105]

A. ...

B. All LEAs must administer all assessments according to the testing schedule dates approved by the LDE and reported annually to BESE.

C. - C.4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1526 (July 2005), amended LR 33:255 (February 2007), LR 44:462 (March 2018), LR 44:2129 (December 2018), LR 47:

§5107. Assessment Programs

[Formerly LAC 28:CXL107]

A. ...

B. Louisiana Educational Assessment Program (LEAP) 2025. Criterion-referenced tests in English language arts, mathematics, science, and social studies in grades 3-8 and tests administered upon completion of English I, English II, algebra I, geometry, biology, and U.S. history in high school assess student performance relative to specific benchmarks established in the state's content standards and provide data for evaluating student, school, and district performance.

1. The tests assess a student's complex thinking skills as well as knowledge and application of information.

2. The assessments will be administered to high school students enrolled in and/or receiving credit for a high school course having a LEAP assessment or retesting for the purposes of graduation, as well as for students in the third year assessment cohort as defined in Part XI, Subpart 1, §409.

C. LEAP Connect. The LEAP Connect is an alternate assessment, designed for students with significant disabilities, which evaluates each eligible special education student's knowledge and skills in targeted areas.

D. - F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1526 (July 2005), amended LR 32:233 (February 2006), LR 33:255 (February 2007), LR 36:477 (March 2010), LR 40:2509 (December 2014), LR 44:462 (March 2018), LR 47:

§5305. Test Security Policy

[Formerly LAC 28:CXI.305]

A. - A.9.i.ii. ...

iii. In accordance with R.S. 42:11 et seq., the LDE shall annually convene a test irregularity review committee by no later than 60 days after the close of the testing window. The test irregularity review committee shall conduct a records review of the investigative results from the school system as well as any additional relevant evidence from the LDE.

9.i.iv. - 17. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:391.7(C)-(G).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1528 (July 2005), amended LR 32:233 (February 2006), LR 33:255 (February 2007), LR 33:424 (March 2007), LR 33:2033 (October 2007), LR 34:65 (January 2008), LR 34:431 (March 2008), LR 34:1351 (July 2008), LR 35:217 (February 2009), LR 37:858 (March 2011), repromulgated LR 37:1123 (April 2011), amended LR 38:747 (March 2012), LR 39:1018 (April 2013), LR 40:2510 (December 2014), LR 43:634 (April 2017), LR 44:463 (March 2018), LR 44:1857 (October 2018), LR 47:

Chapter 57. Assessment Program Overview

§5701. Overview of Assessment Programs in Louisiana

[Formerly LAC 28:CXI.701]

A. Norm-Referenced and Criterion-Referenced Testing Programs Since 1986

Name of Assessment Program	Assessment Population	Administered

EOCT	English III	fall 2011-summer 2019 (available for students who have entered a high school cohort prior to 2017-2018 school year-state administered) (fall 2019-district administered)

Special Population Assessments		
LEAP Connect	Students with Individualized Education Programs (IEPs) who meet participation criteria in grades 3-11	ELA and Math Grades 3 to 8: Spring 2018- ELA and Math Grade 11: Spring 2019- Science grades 4, 8, 11: Spring 2020

Name of Assessment Program	Assessment Population	Administered

LAA 1	ELA and Mathematics (grade spans 3-4; 5-6; 7-8; 9-10); Science (grades 4, 8, and 11)	Revised spring 2008-2017 (ELA and Math) (available for high school students who need to participate in 2017-2018 only) Spring 2008-2019 (Science) (no longer administered)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1534 (July 2005), amended LR 32:235 (February 2006), LR 34:66 (January 2008), LR 34:1352 (July 2008), LR 35:218 (February 2009), LR 36:967 (May 2010), LR 37:858 (March 2011), LR 38:34 (January 2012), LR 39:74 (January 2013), LR 39:1019 (April 2013), LR 40:1319 (July 2014), LR 40:2512 (December 2014), LR 44:465 (March 2018), LR 44:2127 (December 2018), LR 46:15 (January 2020), LR 47:

Chapter 59. Kindergarten Entry Assessment

§5907. Agency Administrative Participation

[Formerly LAC 28:CXI.907]

A. - B.1. ...

2. Beginning with the 2021-2022 academic year and annually thereafter, assessment administration and reporting shall occur by October 31.

3. The LDE may extend the deadline to no later than November 30 in academic years in which a natural disaster or emergency is declared.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq., and R.S. 17:139 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1535 (July 2005), amended LR 44:467 (March 2018), LR 47:

Subchapter C. LEAP 2025 Assessment Structure

§6151. Retests and Rescores

[Formerly LAC 28:CXI.1151]

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1547 (July 2005), amended LR 32:236 (February 2006), LR 36:974 (May 2010) repealed LR 47:

§6153. Transfer Students

[Formerly LAC 28:CXI.1153]

A. The following rules apply for transfer students who are Louisiana residents transferring into Louisiana public schools from out-of-state schools, nonpublic schools, or approved home study programs.

1. Requirements for transfer students in grade 4 or 8 or those who are seeking to enroll in grade 5 or 9 who have never been in membership in a public school in Louisiana or who were in membership in Louisiana public schools and transferred out-of-state or who transferred from Louisiana nonpublic schools or from an approved home study program are as follows.

a. A fourth or eighth grade student who transfers to a Louisiana public school must take and pass either the spring administration of LEAP English Language Arts and

Mathematics (ELA/Math) tests or the LEAP 2025 state placement test prior to enrollment in grades five or nine.

b. Grade placement determinations for students in grades 4 or 8 who transfer from out of state, nonpublic or home study and seek enrollment in grade 5 or 9, and do not pass both the ELA and mathematics test, shall be made in accordance with promotion policy as outlined in Part XXXIX.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1547 (July 2005), amended LR 32:236 (February 2006), LR 47:

Chapter 68. LEAP 2025 Assessments for High School Subchapter A. General Provisions

§6803. Introduction

[Formerly LAC 28:CXL1803]

A. - B.1.5. ...

6. U.S. history.

C. - E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:214 (February 2009), LR 36:477 (March 2010), amended LR 38:35 (January 2012), LR 40:2514 (December 2014), LR 44:469 (March 2018), LR 44:2129 (December 2018), LR 47:

Subchapter C. LEAP 2025 for High School Administrative Rules

§6819. Double Jeopardy Rule

[Formerly LAC 28:CXL1819]

A. If a school administers LEAP 2025 tests that the student has already passed and the student scores Unsatisfactory on the retest, the passing score will be used to determine the student's eligibility for a standard high school diploma.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:977 (May 2010), amended LR 44:470 (March 2018) LR 47:

§6823. Rescores

[Formerly LAC 28:CXL1823]

A - C. ...

D. Students may request a rescore of LEAP 2025 tests at specified achievement levels and scaled score ranges. If the following criteria is met, the rescore will be expedited.

1. The test has a scaled score that is within 10 points below the *Unsatisfactory* achievement level (Algebra I, Geometry, Biology, or U.S. History) or within 20 points below the *Approaching Basic* achievement level (English I or English II).

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 36:977 (May 2010), amended LR 37:820 (March 2011), LR 47:

§6825. LEAP 2025 for High School Administration Rules

[Formerly LAC 28:CXL1825]

A. Students enrolled in LEAP 2025 courses shall take the LEAP 2025 test for that course at the conclusion of the course.

B. - C. ...

D. If a student was issued a HiSET diploma and subsequently meets the requirements for the LEAP 2025, the student may surrender the HiSET diploma and be issued a standard high school diploma.

E. ...

F. Students who request a retest for the Louisiana high school diploma endorsements may retest during the fall, spring, or summer retest administration only one time for each LEAP 2025 test.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:977 (May 2010), amended LR 39:77 (January 2013), LR 44:471 (March 2018), LR 47:

§6829. LEAP 2025 Transfer Rules

[Formerly LAC 28:CXL1829]

A. - A.2. ...

3. A transfer student may choose to take a LEAP 2025 test for a course he/she already successfully completed if:

a. the student scored *Unsatisfactory* on a LEAP 2025 test in another course;

b. and the student has passed the LEAP 2025 test for one of the LEAP 2025 pairs.

B. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:978 (May 2010), amended LR 37:820 (March 2011), LR 44:471 (March 2018), LR 46:1372 (October 2020), LR 47:

Chapter 69. LEAP Connect Alternate Assessment Subchapter A. Background

§6901. Overview

[Formerly LAC 28:CXL1901]

A. The LEAP Connect alternate assessment is a specially designed assessment program that evaluates students with the most significant cognitive disabilities. LEAP connect represents an assessment of connector standards relative to the general education components of the LEAP 2025 As such, it meets ESSA requirements to assess students with the most significant cognitive disabilities in the state, with its results contributing to school, district, and state accountability decisions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(F)(3) and R.S. 17:183.1-17:183.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1556 (July 2005), amended LR 32:239 (February 2006), LR 33:425 (March 2007), LR 35:208 (February 2009), LR 44:471 (March 2018), LR 47:

Subchapter D. Alternate Achievement Levels and Performance Standards

§6913. Performance Standards

[Formerly LAC 28:CXL1913]

A. Performance standards for LEAP Connect English language arts, mathematics, and LEAP Connect science tests are finalized in scaled-score form.

B. LEAP Connect Alternate Achievement Levels and Scaled-Score Growth Ranges

B.1. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(F)(3) and R.S. 17:183.1-17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007), amended LR 35:209 (February 2009), amended by the Board of Elementary and Secondary Education, LR 44:472 (March 2018), LR 44:1237 (July 2018), LR 47:

Chapter 72. ACT Program

§7209. WorkKeys

[Formerly LAC 28:CXI.2209]

A. - A.2. ...

3. WorkKeys certificates awarded based on a remote site test administration that was not proctored or monitored, will not be used for accountability purposes.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 40:1320 (July 2014), amended LR 44:474 (March 2018), LR 47:

Chapter 73. English Language Proficiency Test (ELPT)

Subchapter A. Background

§7301. Overview

[Formerly LAC 28:CXI.2301]

A. The federal Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeed Act (ESSA), requires standards-based assessment of the progress of all English learners enrolled in grades kindergarten through 12 in attaining English proficiency, including speaking, listening, reading, and writing skills in English.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1557 (July 2005), amended LR 33:259 (February 2007), LR 44:474 (March 2018), LR 46:15 (January 2020), LR 47:

Chapter 75. Field Testing

§7501. General Provisions

[Formerly LAC 28:CXI.2501]

A. - C.2.iv...

v. EL, and Section 504, and school size;

C.2.c. - C.2.f.iii. ...

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 31:1558 (July 2005), amended LR 35:220 (February 2009), LR 47:

Chapter 77. Placement Tests

§7701. Administration and Scoring

[Formerly LAC 28:CXI.2701]

Repealed.

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 31:1558 (July 2005), amended LR 35:220 (February 2009), repealed LR 47:

§7703. Security

[Formerly LAC 28:CXI.2703]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1558 (July 2005), repealed LR 47:

Chapter 83. Assessment of Special Populations

§8301. Participation

[Formerly LAC 28:CXI.3301]

A. - A.2. ...

3. English learners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1945.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1560 (July 2005), amended LR 44:476 (March 2018), LR 47:

§8303. Students with Disabilities

[Formerly LAC 28:CXI.3303]

A. All students with disabilities must participate in statewide assessments. Students are to take the test that corresponds to the grade in which they are enrolled. Students who meet specific participation criteria as stated in *Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities* and whose individualized education plans (IEPs) indicate they will participate in an alternate assessment may participate in the LEAP Connect assessment. The assessment in which the student is to participate and any accommodations the student is to receive for instruction and assessment must be documented annually on the program/services page of the student's IEP. Test accommodations cannot be different from or in addition to the accommodations indicated on the student's IEP and provided in regular classroom instruction and assessment.

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1945.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1560 (July 2005), amended LR 32:239 (February 2006), LR 36:983 (May 2010), LR 38:37 (January 2012), LR 40:2515 (December 2014), LR 44:476 (March 2018), LR 47:

§8306. Approved Accommodations for Students with IEPs or 504 Plans

[Formerly LAC 28:CXI.3306]

A. - A.5.a. ...

6. Communication Assistance Script

a. Students who are deaf or hard of hearing and have the communications assistance script accommodation for testing must have a test administrator who is fluent in the cuing or signing modality routinely used by a student. The test administrator should be available to repeat or clarify directions and sign portions of the test if warranted by the student's reading level as documented on the IEP or IAP.

b. Students with Communication Assistance accommodation may have all of the LEAP 2025 tests signed. However, no passages, questions, or distractors (multiple choices) of reading comprehension session(s) may be signed or cued for GEE, LAA 2, or English III EOC. Directions only to these sessions may be signed or cued. When signing or cuing, the test administrator must exercise caution to avoid providing answers. It is a breach of test security to provide signs or cues that convey answers.

7. - 7.a. ...

8. Tests Read Aloud

a. Students with a Tests Read Aloud accommodation can have all of the LEAP 2025 tests read aloud. However, no passages, questions, or distractors (multiple choices) of reading comprehension session(s) may be read aloud for GEE, English III EOC, and LAA 2. Directions only to these sessions may be signed or cued. When signing or cueing, the test administrator must exercise caution to avoid providing answers. It is a breach of test security to provide signs or cues that convey answers.

9. - 9.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24 et seq., R.S. 17:391-400, R.S. 17:1941 et seq., R.S. 17:397, R.S. 17:1946, and R.S. 17:1947.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:263 (February 2007), amended LR 33:1010 (June 2007), LR 44:477 (March 2018), LR 47:

§8307. English Language Learners [Formerly LAC 28:CXI.3307]

A. - B.6.c. ...

C. Approved Accommodations for English Learners

1. The following accommodations may be provided for ELL students participating in the LEAP 2025, GEE, LAA 2, LEAP Connect, English III EOC or high school LEAP 2025 assessments.

a. - b. ...

c. Tests Read Aloud. Students with accommodation of test read aloud may have all parts of the LEAP 2025 tests read aloud. When reading aloud, the test administrator must exercise caution to avoid providing answers. It is a breach of test security to provide signs or cues that convey answers.

C.1.d. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:1941 et seq., and R.S. 17:24.4(F)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1562 (July 2005), amended LR 32:240 (February 2006), LR 33:264 (February 2007), LR 33:1010 (June 2007), LR 36:983 (May 2010), LR 37:821 (March 2011), LR 41:616 (April 2015), LR 44:478 (March 2018), LR 46:16 (January 2020), LR 47:

Chapter 85. Assessment of Students in Special Circumstances

§8501. Approved Home Study Program Students [Formerly LAC 28:CXI.3501]

A. - F. ...

G. Students enrolled in state-approved home study programs or non-public/non-scholarship schools are not eligible to participate in LEAP Connect, ELPT, or the state administration of WorkKeys or ACT.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.236.1-17.236.2, R.S. 17:6(A)(10)(11)(15), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-17.391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1563 (July 2005), amended by the Board of Elementary and Secondary Education, LR 32:240 (February 2006), LR 33:264 (February 2007), LR 36:983 (May 2010), LR 37:821 (March 2011), LR 39:1430 (June 2013), LR 40:1320 (July 2014), LR 40:2515 (December 2014), LR 47:

§8507. Office of Juvenile Justice [Formerly LAC 28:CXI.3507]

A. Students enrolled in grade levels K through 12 who are under the supervision of correctional facilities shall take the appropriate assessment for their enrolled grade.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151.3 and R.S. 17:24.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1563 (July 2005), amended LR 33:2043 (October 2007), LR 44:479 (arch 2018), LR 47:

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 Analysis

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 12 p.m. (noon), March 12, 2021 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. 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 118—Statewide Assessment Standards and Practices**

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

The proposed revisions will not result a fiscal impact to state or local governmental units.

The proposed revisions transfer the responsibility of setting testing schedule dates to the Louisiana Department of Education (LDE) rather than BESE; adjust timelines to allow for flexibility in the event of a future pandemic or natural disaster; update assessments that are included in statewide administrations and the corresponding achievement levels to transition from End-of-Course (EOC) tests to LEAP 2025 high school and from LAA1 to LEAP Connect; align accommodations to new assessments; eliminate language related to LEAP grade 4 and 8 summer retests; and simplify requirements for promotion of students in fourth and eighth grades.

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

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed policy revisions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition and employment as a result of the proposed revisions.

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Deputy Superintendent
2102#036

Alan Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools—Charter School Renewals and Virtual Charter School Attendance
(LAC 28:CXXXIX.103, 311, and Chapter 5)

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:CXXXIX (Bulletin 126). Proposed amendments better ensure alignment between BESE and local charter authorizing processes, provide for the inclusion of intentional questions requiring applicants to substantiate that the proposed school will improve outcomes for the intended student population, and reflect updated authorizing priorities aligned to national best practices.

Title 28 EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 1. General Provisions

§103. Definitions

A. - A.1. ...

2. a different definition is prescribed for a particular provision.

Charter—the agreement and authorization to operate a charter school, which includes the charter contracts and exhibits.

Charter Management Organization (CMO)—nonprofit entities that manage two or more charter schools.

Charter Operator—the nonprofit corporation or school board authorized to operate a charter school.

Domicile—the place where the student predominantly sleeps, takes meals, and maintains personal belongings.

Education Service Provider (ESP)—any third-party entity, whether non-profit or for-profit, that provides comprehensive education management services to a school via contract with the school governing board.

Face Covering—a piece of material used to cover both the nose and mouth for the purpose of forming a barrier to droplets or airborne particles that are coughed, sneezed, or exhaled when talking. Face coverings are meant to protect both the wearer of the face covering and surrounding individuals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:439.1, 17:3391, 17:3981, and 17:3973.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1357 (July 2008), amended LR 37:867 (March 2011), LR 37:2383 (August 2011), LR 38:37 (January 2012), LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), amended LR 38:1583 (July 2012), LR 39:3062 (November 2013), LR 40:1321 (July 2014), LR 42:1018 (July 2016), LR 43:2476 (December 2017), LR 46:1670 (December 2020), LR 47: