



**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

May 11, 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 Lance Harris, Chair, House Committee on Education

FROM: Shan N. Davis, Executive Director *Shan N. Davis*  
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 April 20, 2022, Notice of Intent that was promulgated on pages 1147-1149 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 July 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) 342-5849 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

James Garvey  
1<sup>st</sup> BESE District

Kira Orange Jones  
2<sup>nd</sup> BESE District

Sandy Holloway  
3<sup>rd</sup> BESE District

Michael Melerine  
4<sup>th</sup> BESE District

Ashley Ellis  
5<sup>th</sup> BESE District

Ronnie Morris  
6<sup>th</sup> BESE District

Holly Boffy  
7<sup>th</sup> BESE District

Preston Castille  
8<sup>th</sup> BESE District

Belinda Davis  
Member-at-Large

Thomas Roque  
Member-at-Large

Doris Vojtier  
Member-at-Large

Shan N. Davis  
Executive Director

Cade Brumley  
State Superintendent

creation of the literacy assessment pursuant to Act 438 of 2021, and \$5 M ESSER funds to develop the required professional development course pursuant to Act 108 of 2021.

Local school systems may experience increased costs related to personnel and materials if they do not already have reading interventions in place. This cost is indeterminable and will vary among districts. However, to assist districts in implementing the measure, LDE is developing the diagnostic intervention tool described above, and has allocated \$7.8 M in ESSER funding to provide current school personnel with a foundational literacy professional development course from a list of approved vendors.

Local personnel may experience a temporary increase in workload to develop the required literacy plan, which will be revised every three years. Existing LDE staff will review the literacy plans. Each teacher who teaches kindergarten through third grade reading, math, science, or social studies and each administrator of a school that includes kindergarten through third grade will complete the foundational literacy training. Any teacher or administrator hired after August 1, 2023, must provide documentation to the employing school of successful course completion within two years of the date of employment.

The proposed revisions update the annual literacy assessment and require successful completion of approved foundational literacy skills courses for educators. The policy requires that children in kindergarten through third grade are given the BESE-approved literacy assessment within the first 30 days of school and that results are reported to LDE. In addition, the changes mandate scientific, research-based interventions during school hours for students measured at below grade level on the annual literacy assessment. Data from the literacy assessment will be used to develop the required foundational literacy skills plan in which students in kindergarten through third grade are enrolled beginning June 1, 2023, in accordance with R.S. 17:24.9. Teachers and administrators of students in these grade levels shall complete one approved professional development course by the beginning of the 2023-2024 school year. Any teachers hired after August 1, 2023, must complete such a course within two years of employment, and systems shall report the successful completion to LDE annually beginning May 1, 2022, pursuant to R.S. 17:24.12.

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, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There will be increased income to vendors of foundational literacy professional development courses. The LDE has allocated \$7.8 M in ESSER funding to local school systems for use in purchasing access to professional development courses from a list of approved vendors: (1) The AIM Institute for Learning & Research; (2) Associated Professional Educators of Louisiana; (3) Keys to Literacy; and (4) Voyager Sopris Learning.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Beth Scioneaux  
Deputy Superintendent  
2204#52

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Bulletin 745—Louisiana Teaching Authorizations of School Personnel (LAC 28:CLXXII.Chapter 1)

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 proposes to repeal LAC 28: CLXXII. *Bulletin 745—Louisiana Teaching Authorizations of School Personnel*. The proposed repeal removes repetitive language and re-establishes the Teaching Authorization requirement as a section in LAC 28: CXXXI. *Bulletin 746—Louisiana Standards for State Certification of School Personnel*.

#### Title 28

#### EDUCATION

#### Part CLXXII. Bulletin 745—Louisiana Teaching Authorizations of School Personnel

##### §101. Introduction

Repealed.

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, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2134 (December 2018), repromulgated LR 45:39 (January 2019), repealed LR 48:

##### §103. Teaching Authorizations

Repealed.

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, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2134 (December 2018), repromulgated LR 45:39 (January 2019), amended LR 45:900 (July 2019), repealed LR 48:

##### §104. Issuance of a Denied Teaching Authorization

Repealed.

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, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:901 (July 2019), repealed LR 48:

##### §105. Suspension and Revocation of Teaching Authorizations for Criminal Offenses

Repealed.

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, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2135 (December 2018), repromulgated LR 45:39 (January 2019), Repealed LR 48:

##### §107. Suspension and Revocation of Teaching Authorizations Due to Participation in Cheating

Repealed.

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, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2135 (December 2018), repromulgated LR 45:40 (January 2019), Repealed LR 48:

**§109. Suspension and Revocation of Teaching Authorizations due to Fraudulent Documentation**

Repealed.

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, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2136 (December 2018), repromulgated LR 45:40 (January 2019), Repealed LR 48:

**§111. Reinstatement of Teaching Authorizations**

Repealed.

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, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2136 (December 2018), repromulgated LR 45:40 (January 2019), amended LR 45:901 (July 2019), Repealed 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? 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 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, May 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 745—Louisiana Teaching Authorizations of School Personnel**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed revisions will not impact costs or savings to state or local governmental units.  
The proposed repeal removes repetitive language and re-establishes the Teaching Authorization requirement as a section in LAC 28: CXXXI. Bulletin 746 – Louisiana Standards for State Certification of School Personnel.
- 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, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Beth Scioneaux  
Deputy Superintendent  
2204#053

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Bulletin 746—Louisiana Standards for State Certification of School Personnel—General Teacher Competencies (LAC 28:CXXXI.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 proposes to amend LAC 28:CXXXI in Bulletin 746—*Louisiana Standards for State Certification of School Personnel*. The aforementioned revisions are in response to legislative Acts of the 2021 Regular Legislative Session related to literacy. The proposed revisions will update teacher preparation competencies to align and reinforce the requirements in R.S.17:24.9 in order to design and implement an integrated and comprehensive curriculum that develops teacher candidates' understanding of content, including phonemic awareness, phonics, fluency, vocabulary, and comprehension. Educators are required to design evidence-based content and pedagogical knowledge in reading to differentiate instruction for teaching students with advanced literacy skills and students with significant literacy deficiencies, including dyslexia. Also required is implementation of behavior management and trauma-informed principles and practices for the classroom, as well as other developmentally-appropriate practices for the classroom to ensure that students can effectively access literacy instruction.

**Title 28  
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel**

**Subchapter C. General Teacher Competencies**

**§309. General Competencies**

A. - E. ...

F. The teacher candidate differentiates instruction, behavior management techniques, and the learning environment in response to individual student differences in cognitive, socio-emotional, language, and physical development, incorporating trauma-informed principles.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:24.9, R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1296 (July 2017), LR: 48:

**Subchapter E. English Language Arts and Literacy Teacher Competencies**

**§323. Content Knowledge Competencies**

A. - B.6. ...

C. The teacher candidate demonstrates understanding of the stages of language, reading, and writing development.

1. The teacher candidate explains the progression, connection, and reciprocal relationships among the major components of early literacy development, including the typical and atypical development of skills in the areas of language, phonological processing, vocabulary, morphology, orthography, semantics, syntax, and discourse; reading, print awareness, decoding, fluency, and comprehension; and spelling and writing development including pre-literate, early emergent, emergent, transitional, and conventional.

2. The teacher candidate defines, explains, produces, and classifies the basic phonetic structure and orthographic rules and patterns of the English language, including but not limited to phonemes, graphemes, digraphs, blends, r-controlled vowels, hard and soft consonants, and explains the relation to the progression of reading and writing development.

3. The teacher candidate identifies, explains, and categorizes the six basic syllable types in English spelling and explains principles of teaching word identification and spelling, giving examples illustrating each principle.

4. - 8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:24.9, R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1298 (July 2017), LR 48:

**§325. English Language Arts Content Pedagogy Competencies**

A. - B.3. ...

4. The teacher candidate fluently applies principles of explicit and direct teaching: modeling, leading, giving, guided practice, and reviewing.

5. The teacher candidate implements multisensory and multimodal techniques to enhance instruction.

6. The teacher candidate designs and teaches routines to support a complete lesson format, from the introduction of a word recognition concept to fluent application in meaningful reading and writing.

C. - C.7. ...

8. The teacher candidate designs and implements research-based adaptations of instruction for students with advanced literacy skills and for students with weaknesses in working memory, attention, executive function, or processing speed.

D. - D.6. ...

7. The teacher candidate understands and explains types of assessments specific to early literacy skills, along with their purposes, strengths, and limitations, as well as national norms associated with literacy skills.

8. The teacher candidate administers and interprets both print and electronic early literacy assessment for