



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 1158-1161 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:sir

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
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Kira Orange Jones
2nd BESE District

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4th BESE District

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8th BESE District

Belinda Davis
Member-at-Large

Thomas Roque
Member-at-Large

Doris Voitier
Member-at-Large

Shan N. Davis
Executive Director

Cade Brumley
State Superintendent

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 746—Louisiana Standards for
State Certification of School Personnel**

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

The proposed revisions will not impact costs or savings to state or local governmental units.

The proposed revisions repeal Chapter 9 and re-establish the policy as Chapter 19 in the newly re-established Bulletin 746. BESE policy requires sanctions on an educator credential for certain criminal offenses, submission of fraudulent documentation, professional license censure, participation in cheating, and/or failure to meet the standards of effectiveness. Further, the updates clarify definitions, convictions or offenses considered, and sanctions that can be imposed upon educator credentials, and updates and aligns the three bulletins regarding actions and the issuance and sanction of Louisiana educator credentials. Additionally, language from Bulletin 745, Louisiana Teaching Authorizations of School Personnel, which was approved for repeal at the March 2022 BESE meeting, is re-established as a section in Bulletin 746.

**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#054

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

**Bulletin 996—Standards for Approval of Teacher and/or
Educational Leader Preparation Programs
(LAC 28:XLV.303, 743, and 745)**

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:XLV in Bulletin 996—*Standards for Approval of Teacher and/or Educational Leader Preparation Programs*. The aforementioned revisions are in response to legislative Acts of the 2021 Regular Legislative Session related to literacy. R.S.17:24.9 requires revisions to foundational literacy skills standards in all educator preparation programs for candidates seeking certification to teach students in kindergarten through third grade as well as setting the minimum number of credit hours in the teaching of reading and literacy. The required courses or training shall develop and assess candidates' mastery of applicable literacy competencies. Revisions also include technical updates regarding approval for programs offering add-on

endorsement coursework and residents in Type III Early Learning Centers.

**Title 28
EDUCATION**

**Part XLV. Bulletin 996—Standards for Approval of
Teacher and/or Educational Leader Preparation
Programs**

**Chapter 3. Initial State Approval for Teacher or
Educational Leader Preparation
Programs**

**§303. Initial Approval
[Formerly §203]**

A. Initial approval is granted upon approval by BESE and, when applicable, BOR, through submission of a proposal to the LDE.

B. University and non-university providers seeking approval to offer a teacher preparation program, educational leader preparation program, or add-on certification program shall demonstrate eligibility by providing, at a minimum:

1. official declaration of intent in the form of a letter from the head of the institution or organization;

2. evidence of regional accreditation status (e.g., Southern Association of Colleges and Schools) for universities only;

3. evidence that the faculty who teach courses or provide direct coaching to teacher or educational leader candidates possess sufficient knowledge, skills, training, and expertise;

4. evidence to show that the governing structure of the institution or organization endorses and financially supports a teacher preparation program, educational leader preparation, or add-on programs (e.g., full budget report for the implementation of programs, including internal and external sources of funding, and including both hard and soft monies);

5. - 7. ...

C. In order to be recommended for BESE approval, teacher preparation programs must, at minimum:

1. be designed to develop and ensure candidates' mastery of the teacher preparation competencies, educational leader competencies, and/or requirements for existing certificate endorsements required for certification. The program design must center on courses and practice experiences that integrate content, theory, and practice; expressly treat current Louisiana student standards and instructional resources; and require candidates to demonstrate mastery of required competencies or requirements through a series of performance assessments and tasks:

a. in undergraduate programs offered by university providers, descriptions of coursework must include evidence of ample opportunity to develop content area mastery, instruments for assessing candidates' content knowledge, and procedures for remediation, if necessary. For the purposes of initial approval, an academic major in the content area for secondary certification areas may be considered evidence of ample opportunity;

b. in post-baccalaureate programs offered by university and non-university providers, descriptions of coursework or contact hours must include instruments for assessing candidates' content knowledge for teaching and/or leading, and procedures for remediation, if necessary;

c. in add-on certification programs offered by non-university providers, descriptions of coursework and contract hours must include instruments for assessing candidate content knowledge, include procedures for addressing unfinished learning, and align with the requirements to add endorsements to existing certificates, which are found in Part CXXI, Bulletin 746—Louisiana Standards for State Certification of School Personnel.

2. pursuant to R.S. 17:7.1.4(a)(b), teacher preparation programs shall include the minimum number of credit hours or equivalent contact hours in the teaching of reading and literacy as follows. The required courses or training shall:

a. develop and assess candidate mastery of applicable literacy competencies, which are found in Part CXXXI, Bulletin 746—Louisiana Standards for State Certification of School Personnel;

b. systematically and explicitly address the foundational literacy skills of phonological awareness, phonics, fluency, vocabulary, and comprehension. Each course shall, at a minimum, integrate

i. how to effectively teach the foundational literacy skills of phonological awareness, phonics, fluency, vocabulary, and comprehension;

ii. how to differentiate instruction for teaching students with advanced literacy skills and students with significant literacy deficiencies, including dyslexia;

iii. how to implement effective literacy instruction using high-quality instructional materials;

iv. how to administer literacy assessments to students and use the resulting data to improve literacy instruction for students;

c. systematically and explicitly address behavior management, trauma-informed principles and practices for the classroom, and other developmentally appropriate supports to ensure that students can effectively access literacy instruction.

3. - 3.b. ...

4. be jointly developed and administered in partnership with one or more local educational agencies in which candidates complete the one-year residency. Evidence of partnership shall include, but not be limited to, a formal agreement, such as a memorandum of understanding or memorandum of agreement, that includes:

a. roles of and responsibilities of program faculty, LEA leaders, residency school site administrators, and/or residency school site mentor teachers;

b. criteria and process for residency school site selection, development, and evaluation of effectiveness, to occur in concert with LEA leadership;

C.4.c - O. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), 17:7.2, and 17:24.9.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2453 (November 2004), amended LR 35:2327 (November 2009), LR 37:561 (February 2011), LR 43:2486 (December 2017), LR 45:228 (February 2019), LR 45:902 (July 2019), repromulgated LR 46:892 (July 2020), amended LR 48:

Chapter 7. Louisiana State Standards for Educator Preparation Programs

Subchapter C. Teacher Preparation Programs

§743. Minimum Requirements for Traditional Teacher Preparation Programs

A. A traditional teacher preparation program is a baccalaureate degree program that includes a minimum of 120 credit hours of coursework and required practice experiences. A portion of the total hours must include the minimum number of credit hours in the teaching of reading and literacy as follows:

1. for certification in Birth-K, PK-3 and 1-5, general-special education mild/moderate 1-5—9 credit hours;

a. Beginning July 31, 2022, candidates must spend, at a minimum, 9 credit hours or 135 contact hours engaged in foundational literacy instruction. The instruction must

i. develop and assess candidate mastery of applicable literacy competencies, which are found in Part CXXXI, Bulletin 746—Louisiana Standards for State Certification of School Personnel;

ii. systematically and explicitly address the foundational literacy skills of phonological awareness, phonics, fluency, vocabulary, and comprehension. Each course shall, at a minimum, integrate

(a). how to effectively teach the foundational literacy skills of phonological awareness, phonics, fluency, vocabulary, and comprehension;

(b). how to differentiate instruction for teaching students with advanced literacy skills and students with significant literacy deficiencies, including dyslexia;

(c). how to implement effective literacy instruction using high-quality instructional materials;

(d). how to administer literacy assessments to students and use the resulting data to improve literacy instruction for students;

iii. systematically and explicitly address behavior management, trauma-informed principles and practices for the classroom, and other developmentally appropriate supports to ensure that students can effectively access literacy instruction.

A.2. - C.1. ...

2. a one-year residency shall take place in a public school classroom, approved non-public school classroom, or classroom at a Type III Early Learning Center that has maintained consecutive years of LDE-issued academic approval in the certification area with a teacher of record who holds a valid level 1, 2, 3, type A, or type B teaching certificate in the area for which the candidate is pursuing certification in accordance with LAC 28:CXXXI (Bulletin 746). Beginning September 1, 2020, the teacher of record shall be required to hold a provisional mentor teacher ancillary certificate or a mentor teacher ancillary certificate in accordance with LAC 28:CXXXI (Bulletin 746). The residency may include practice with other teachers in a public or approved non-public school setting. Residents placed in charter schools must be placed with a teacher of record who has demonstrated effectiveness in accordance with LAC 28:CXLVII (Bulletin 130):

C.2.a. - E.2. ...

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 43:1330 (July 2017), amended LR 43:2492 (December 2017), LR 45:229 (February 2019), LR 48:

§745. Minimum Requirements for Alternate Teacher Preparation Programs

A. - A.3. ...

B. For all alternate teacher preparation programs, a portion of the total hours must include the minimum number of credit hours or equivalent contact hours in the teaching of reading and literacy as follows:

1. for certification in PK-3 and 1-5, general-special education mild/moderate 1-5—9 credit hours or 135 contact hours;

a. Beginning July 31, 2022, candidates must spend, at a minimum, 9 credit hours or 135 contact hours engaged in foundational literacy instruction. The instruction must:

i. develop and assess candidate mastery of applicable literacy competencies, which are found in Part CXXXI, Bulletin 746—Louisiana Standards for State Certification of School Personnel; and

ii. systematically and explicitly address the foundational literacy skills of phonological awareness, fluency, vocabulary, and comprehension. Each course shall, at a minimum, integrate

(a). how to effectively teach the foundational literacy skills of phonological awareness, phonics, fluency, vocabulary, and comprehension;

(b). how to differentiate instruction for teaching students with advanced literacy skills and students with significant literacy deficiencies, including dyslexia;

(c). how to implement effective literacy instruction using high-quality instructional materials;

(d). behavior management, trauma-informed principles and practices for the classroom, and other developmentally-appropriate supports to ensure that students can effectively access literacy instruction;

(e). how to administer literacy assessments to students and use the resulting data to improve literacy instruction for students;

iii. systematically and explicitly address behavior management, trauma-informed principles and practices for the classroom, and other developmentally appropriate supports to ensure that students can effectively access literacy instruction.

B.2. - D.1.a. ...

2. A one-year residency shall take place in a public school classroom, approved non-public school classroom, or in a classroom at a Type III Early Learning Center that has maintained consecutive years of LDOE-issued academic approval in the certification area the candidate is pursuing. The residency shall include a combination of the following experiences:

D.2.a. - F.3. ...

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 43:1331 (July 2017),

amended LR 43:2492 (December 2017), LR 45:1751 (December 2019), LR 46:324 (March 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 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 996—Standards for
Approval of Teacher and/or Educational
Leader Preparation Programs**

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

The proposed revisions will not impact costs or savings to state or local governmental units. Teacher preparation program providers are not expected to incur additional costs as many programs report that they already meet these requirements.

R.S.17:24.9 requires revisions to foundational literacy skills standards in all educator preparation programs for candidates seeking certification to teach students in kindergarten through third grade as well as setting the minimum number of credit hours in the teaching of reading and literacy. The required courses or training shall develop and assess candidates' mastery of applicable literacy competencies. Revisions also include technical updates regarding approval for programs offering add-on endorsement coursework and residents in Type III Early Learning Centers. Teacher preparation program providers are not expected to incur additional costs as many programs report that they already meet these requirements.

**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)**

Teacher preparation program providers other than public universities may experience increased workload or costs to update courses of study to meet the requirements of the proposed provisions if they have not already incorporated the additional requirements; however, this impact is indeterminable.

**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#055

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs
(LAC 28:XLV.401, 403, and 405)

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:XLV in Bulletin 996—*Standards for Approval of Teacher and/or Educational Leader Preparation Programs*. The aforementioned revisions are in response to recommendations made by the Teacher Preparation Quality Rating workgroup and approved by the Board at the March 2022 meeting. The proposed revisions align program review cycles and accountability cycles to shift all programs to a four-year accountability cycle, allowing for more effective progress monitoring and implementation of recommendations for improvement.

Title 28

EDUCATION

**Part XLV. Bulletin 996—Standards for
Approval of Teacher and/or Educational
Leader Preparation Programs**

**Chapter 4. Teacher and Leader Preparation Program
Accountability, Renewal, and Approval**

**§401. Ongoing Approval of Teacher and Leader
Preparation Programs
[Formerly §1101]**

A. - B. ...

C. Renewal decisions shall be made every two years during the first accountability cycle and shall be based on the quality rating produced biannually. Each teacher preparation provider shall move to a four year accountability cycle for each pathway at the conclusion of the first accountability cycle.

D. Teacher preparation providers that do not maintain a quality rating of level 3 or above on the Louisiana teacher preparation quality rating system and as reported in the biennial quality rating shall:

1. undergo a progress monitoring period during which the provider develops an improvement plan that includes specific improvement goals, timelines, and measures of success for particular pathway(s) or program(s). The improvement plan shall be approved by BESE. Once approved, the provider shall submit progress reports to BESE as established in the approved plan;

2. BESE shall review data outlined in the improvement plan and the Louisiana teacher preparation quality rating system to inform required interventions, which shall include, but are not limited to, one or more of the following:

- a. require the provider to enact certain improvement recommendations for one or more pathways or programs;
- b. designate program(s) as low performing and at risk of low performance per the federal Higher Education Act;
- c. limit or discontinue enrollment for one or more pathways or programs;