



**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 1161-1163 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 Voitier  
Member-at-Large

Shan N. Davis  
Executive Director

Cade Brumley  
State Superintendent

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;

d. discontinue the provider's ability to recommend teacher candidates for certification in one or more pathways or programs.

e. require the provider to engage in additional on-site reviews during the four year accountability cycle for one or more pathways.

E. - F. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:754 (April 2010), amended LR 37:565 (February 2011), LR 43:2488 (December 2017), LR 45:229 (February 2019), LR 48:

**§403. Teacher Preparation Quality Rating System Participation and Performance Profile Implementation Timeline**

A. - G ...

H. Beginning winter 2020-2021, the LDE will annually produce and make publicly available on its website a performance profile for each approved preparation provider. LDE will biennially produce and make publicly available on its website a quality rating for each approved preparation provider. The quality rating will not be used to make judgments about renewal of preparation program approval until winter 2024-2025.

I. Beginning with ratings assigned in winter 2022-2023, Louisiana teacher preparation quality rating system results will serve as the basis for preparation program renewal. The renewal cycle will be two years, and the accountability cycle will be four years for each pathway.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2488 (December 2017), amended LR 45:1061 (August 2019), LR 48:

**§405. Louisiana Teacher Preparation Quality Rating System**

A. - A.3.a ...

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B. The Louisiana teacher preparation quality rating system shall include but not be limited to the following domains:

1. Preparation program experience, as measured by on-site reviews of each teacher preparation provider. The on-site review shall be conducted at the provider level and shall result in one rating for each pathway. The on-site review shall also include reporting at the program level, when appropriate. An on-site review shall be conducted once per accountability cycle. Each provider shall participate in a four-year accountability cycle, and each provider shall engage in an on-site review once during the four-year cycle. Providers that do not maintain a level 3 or higher as reported on the next performance profile may be required to complete additional on-site reviews and progress monitoring as determined by BESE. The biennial quality rating shall reflect the most recently issued on-site review rating. When logistically and fiscally feasible and appropriate, the provider may request the specific years and semesters during which the on-site review is conducted. Such requests must be submitted to the LDE no less than one year before the renewal period begins:

a. on-site reviews may be conducted by the LDE or by a BESE-approved contractor with demonstrated expertise in teacher preparation. The evaluation tools used to conduct on-site reviews shall align to the requirements set forth in this bulletin and provide for a holistic rating between 1 and 4;

B.2. - B.3.b. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2489 (December 2017), 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 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 result in costs or savings to state or local governmental units.

Currently, teacher preparation programs must receive a quality rating of level 3 or above to move to a four-year accountability cycle. 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.

**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#056

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

**Bulletin 1566—Pupil Progression Policies and Procedures (LAC 28:XXXIX.503, 700, and 701)**

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:XXXIX: in Bulletin 1566—*Pupil Progression Policies and Procedures*. The aforementioned revisions are in response to legislative Acts of the 2021 Regular Legislative Session related to literacy and would revise the required components of pupil progression plans to include the development of individual student literacy plans for certain third grade students. Further, the revisions require notification of parents or legal custodians of students in kindergarten through third grade who are identified as reading below level.

**Title 28**

**EDUCATION**

**Part XXXIX. Bulletin 1566—Pupil Progression Policies and Procedures**

**Chapter 5. Placement Policies—General Requirements**

**§503. Regular Placement**

A. - A.1.e. ...

2. Every child, as a prerequisite to enrollment in any first grade of a public school, shall have attended at least a full-day public or non-public kindergarten for a full school year, and shall have satisfactorily passed an academic readiness screening administered by the school system prior to the time of enrollment for the first grade. Each school system shall establish the academic readiness level for its first grade based on criteria established by the system. Any child not able to meet kindergarten attendance requirements due to illness or extraordinary, extenuating circumstances as determined by the school governing authority, shall be required to satisfactorily pass an academic readiness screening administered by the school system prior to the time of enrollment for the first grade. In accordance with R.S. 17:221, any child below the age of seven who legally enrolls in school shall be subject to state laws regarding compulsory attendance and promotion requirements set forth by the school system in accordance with this bulletin.

B. - B.1.b. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6, 17.7, and 17:24.4.