



# 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

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May 12, 2025

## MEMORANDUM

TO: Senator Cameron Henry, Senate President  
Representative Phillip DeVillier, Speaker of the House  
Senator Rick Edmonds, Chair, Senate Committee on Education  
Representative Laurie Schlegel, Chair, House Committee on Education

FROM: Tavares A. Walker, Executive Director  
Board of Elementary and Secondary Education

RE: Summary Report on Board of Elementary and Secondary Education Proposed Rulemaking

Pursuant to R.S. 49:968(D)(1)(b), the Board of Elementary and Secondary Education hereby submits to you this summary report and announces its plan to proceed with rulemaking by finalizing the April 20, 2025, Notice of Intent that was promulgated on pages 561-563 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, 2025, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

Please contact Erin LeBlanc at (225) 342-5841 if the Board may be of any assistance to you concerning this Rule.

TAW:ell

Attachment (1)

Tavares A. Walker  
Executive Director

Dr. Cade Brumley  
State Superintendent

- c: Caroline Tyler, Secretary, Senate Committee on Education  
Elizabeth Borne, Legislative Analyst, House Committee on Education  
Lisa Lovello, Legislative Analyst, House Committee on Education  
Ashley Townsend, Policy Director, Louisiana Department of Education  
Tavares A. Walker, Executive Director, BESE

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

#### Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2025, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker  
Executive Director

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

##### RULE TITLE: Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities Alternate Assessment Eligibility Criteria

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change updates alternate assessment eligibility criteria. The *Elementary and Secondary Education Act*, as amended by the *Every Student Succeeds Act*, requires all states to ensure that the total number of students assessed in each subject, using the alternate assessment for students with the most significant cognitive disabilities, does not exceed 1.0% of the total number of all students in the state assessed on statewide assessments. Louisiana is currently at 1.8% for ELA and math. The proposed rule change will bring Louisiana closer to the federal requirement. Decreasing the number of students taking the alternate assessment is not anticipated to significantly impact additional services children qualify for. All

students will continue to be assessed and receive additional educational services, as necessary.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

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

There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux  
Deputy Superintendent  
2504#035

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

#### NOTICE OF INTENT

##### Board of Elementary and Secondary Education

Kindergarten Screeners  
(LAC 28:XI.Chapter 59 and LAC 28:CXV.325)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:XI in *Bulletin 118—Statewide Assessment Standards and Practices* and LAC 28:CXV *Bulletin 741—Louisiana Handbook for School Administrators*. The proposed revisions reduce the required number of kindergarten assessments and align policy to Louisiana's Education Priorities for literacy and numeracy.

#### Title 28

#### EDUCATION

##### Part XI. Accountability/Testing

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

##### Chapter 59. Kindergarten Entry Assessment

##### §5901. Statement of Purpose [Formerly LAC 28:CXI.901]

A. This Chapter provides for the implementation of a kindergarten entry assessment to identify children's kindergarten readiness. Activities conducted under this Chapter shall be coordinated with other forms of assessment conducted by the school district.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(F)(1)(b) and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1535 (July 2005), amended LR 44:467 (March 2018), LR 51:

##### §5903. Definitions [Formerly LAC 28:CXI.903]

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*Kindergarten Entry Assessment*—the process of measuring student readiness for kindergarten to plan instruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.11, R.S. 17:24.4(F)(1)(b), and R.S. 17:151.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1535 (July 2005), amended LR 44:467 (March 2018), LR 51:

**§5907. Agency Administrative Participation**  
**[Formerly LAC 28:CXI.907]**

A. Kindergarten Entry Assessments. Each school district shall administer the assessment(s) approved by BESE. The results of this assessment shall be used with the goals of informing efforts to close the school readiness gap at kindergarten entry and informing instruction and services to support children's success in school.

B. Each LEA shall administer the screener(s) in accordance with LAC 28:CXV.2307.

1. - 3. Repealed.

C. ...

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

HISTORICAL NOTE: Promulgated Board of Elementary and Secondary Education, LR 31:1535 (July 2005), amended LR 44:467 (March 2018), LR 47:566 (May 2021), LR 51:

**§5909. State BESE-Approved Instruments**  
**[Formerly LAC 28:CXI.909]**

A. Instrument approved for use through the 2017-2018 school year:

1. Developing Skills Checklist (DSC); CTB McMillan/McGraw-Hill, publisher.

B. Instruments approved for use during the 2017-2018 through 2024-2025 school years:

1. GOLD Survey; Teaching Strategies, LLC, publisher.

2. Desired Results Developmental Profile Assessments (DRDP) K; California Department of Education, publisher.

C. Screening instruments required for use:

1. K-3 Literacy Screener; 2025-2026 school year and beyond.

2. Numeracy Screener; 2026-2027 school year and beyond.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1535 (July 2005), amended LR 43:1523 (August 2017), LR 51:

**Title 28**

**EDUCATION**

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

**Chapter 3. Operation and Administration**

**§325. Kindergarten and Prekindergarten**

A. - B.1. ...

C. Each LEA shall ensure that every child entering kindergarten be given the screeners required in accordance with LAC 28:CXV.2307. The results of this screening shall be used in placement and for planning instruction. The pupil progression plan for each LEA shall include criterion for placement.

1. ...

2. Repealed.

D. - E.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.8, R.S. 17:151.3, and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1260 (June 2005), amended LR 39:2196 (August 2013), LR 49:249 (February 2023), repromulgated LR 49:855 (May 2023), amended LR 51:

**Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? 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 the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

### Public Comments

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Tavares A. Walker  
Executive Director

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Kindergarten Screeners

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change reduces the number of kindergarten assessments and aligns policy to Louisiana's Education Priorities for literacy and numeracy.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

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

The proposed changes benefit educators by reducing the number of required tests for kindergarten students, which results in an increase in the amount of time teachers have to provide focused core and intervention instruction in response to data obtained through the literacy and numeracy screener.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux  
Deputy Superintendent  
2504#033

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Environmental Quality Office of the Secretary Legal Affairs Division

#### LPDES Small MS4 Urbanized Area Clarification (LAC 33:IX.2515, 2519, and 2521) (WQ116ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.2515, 2519, and 2521 (WQ116ft).

This proposed Rule is identical to federal regulations found in 40 CFR Parts 122.28, 122.32, and 122.33, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the rule. This proposed Rule will be promulgated in accordance with the procedures in R.S. 49:963(B)(3) and (4).

The proposed Rule will revise the small municipal separate storm sewer systems (MS4s), designation requirements and is identical to portions of the recent National Pollutant Discharge Elimination System (NPDES) Small MS4 Urbanized Area Clarification, finalized by Environmental Protection Agency (EPA) and effective on July 12, 2023. The EPA finalized clarifications to its NPDES Stormwater Phase II regulations due to recent changes made by the Census Bureau. The basis and rationale for this proposed Rule are to mirror new federal regulations, ensuring consistency on how LPDES permits are issued for small MS4s. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

#### Title 33

#### ENVIRONMENTAL QUALITY

#### Part IX. Water Quality

#### Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

#### Chapter 25. Permit Application and Special LPDES Program Requirements

#### §2515. General Permits

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

f. urban areas with a population of 50,000 or more people as determined by the latest Decennial Census by the Bureau of the Census; or

##### A.1.g. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2276 (October 2000), LR 26:2553 (November 2000), LR 28:468 (March 2002), LR 29:1466 (August 2003), repromulgated LR 30:230