



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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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 560-561 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

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)

Nonpublic schools are currently required to meet the standards included in the proposed rule change, but, to the extent they are not in compliance, additional costs for teacher training may be incurred. Additional impacts to nonpublic schools may include revision of local policy and practice but this is not anticipated to constitute a fiscal impact. The proposed rule is a result of Act 686 of the 2024 RS, which repeals certain instruction and teacher training requirements from statute and requires them to be adopted as policies by the Board of Elementary and Secondary Education through the rule making process.

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 Soloneaux
Deputy Superintendent
2504#034

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1530—Louisiana's IEP Handbook for
Students with Exceptionalities
Alternate Assessment Eligibility Criteria
(LAC 28:XC VII.505)

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:XC VII in *Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities*. The revisions update alternate assessment eligibility criteria. Federal law requires 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 percent of the total number of all students in the state assessed on statewide assessments. Louisiana is currently at 1.8 percent for English language arts (ELA) and math, but the proposed revisions will bring Louisiana closer to the federal requirement.

Title 28
EDUCATION

Part XC VII. Bulletin 1530—Louisiana's IEP Handbook
for Students with Exceptionalities

Chapter 5. Participation in Statewide Assessments

§505. Alternate Assessment Participation Criteria

A. - A.1.c. ...

2. For students entering a high school cohort during the 2020-2021 through the 2024-2025 school year, the student has a disability that significantly impacts cognitive function. This may be demonstrated in the following ways:

a. - c. ...

3. For students entering a high school cohort during the 2025-2026 school year and beyond, the student has a

disability that significantly impacts cognitive function. This may be demonstrated in the following ways:

a. For students who have not completed the fifth grade, an eligible student is functioning three or more standard deviations below the mean in cognitive functioning.

b. For students who have completed fifth grade, an eligible student is functioning 2.5 or more standard deviations below the mean in cognitive functioning.

4. - 4.k...

5. The student requires direct individualized instruction and substantial supports to achieve measurable gains on the challenging state academic content standards for the grade in which the student is enrolled.

B. - B.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2343 (November 2009), amended LR 37:886 (March 2011), LR 41:535 (March 2015), LR 45:527 (April 2019), LR 45:1463 (October 2019), LR 49:41 (January 2023), 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

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 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 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.