



**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

October 11, 2019

**MEMORANDUM**

**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

**Tony Davis**  
4<sup>th</sup> BESE District

**Gary Jones**  
5<sup>th</sup> BESE District

**Kathy Edmonston**  
6<sup>th</sup> BESE District

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


**Jada Lewis**  
8<sup>th</sup> BESE District

**Thomas Roque**  
Member-at-Large

**Lurie Thomason**  
Member-at-Large

**Doris Voitier**  
Member-at-Large

**TO:** Senator John A. Alario, Jr., Senate President  
Representative Taylor F. Barras, Speaker of the House  
Senator Dan "Blade" Morrish, Chair, Senate Committee on Education  
Representative Gary Carter, Vice Chair, House Committee on Education

**FROM:** Shan N. Davis, 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 September 20, 2019, Notice of Intent that was promulgated on pages 1214-1215 of the *Louisiana Register*.

The Board has received no comments or requests for a public hearing 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 December 20, 2019, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

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

SND:slr

Attachment (1)

c: Jeanne Johnston, Senior Analyst, Senate Committee on Education  
Cheryl Serrett, Analyst, Senate Committee on Education  
Nancy Jolly, Senior Legislative Analyst, House Committee on Education  
Ryan Gremillion, Policy Director, Louisiana Department of Education  
Shan N. Davis, Executive Director, BESE  
Kevin Calbert, Communications Manager, BESE

**Shan N. Davis**  
Executive Director

**John C. White**  
State Superintendent

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

**RULE TITLE: Number of Commission Meetings and  
Recordkeeping for Excessive Deduction**

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

The proposed rule changes will not result in implementation costs to state or local governmental units. The proposed action will amend LAC 7:XXVII.03 to eliminate language that is presently inconsistent with current law, as R.S. 3:4721 was recently amended to require only three meetings of the Agricultural Commodities Commission per year. The reduction of the number of meetings from four per year to three per year will result in estimated savings to LDAF in the amount of \$489.25 in mileage reimbursements that would have been paid out to Commission members.

The proposed change to Section 141 will not result in costs or savings as it merely clarifies language regarding one category of records that licensees must maintain, modifying it from, "excessive damage of 7.5%," to language that more closely tracks the federal guidelines set forth in the U.S. Department of Agriculture's Grain Inspection Handbook.

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

The proposed rule changes will not effect revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups. The proposed change to §103 codifies current law. Specifically, R.S. 3:4721 was recently amended to require that the commission meet three times per calendar year, but may meet more frequently upon the call of the chairman. The proposed rule change simply eliminates language that is inconsistent with current law and has no bearing on costs or economic benefits to directly affected persons.

The proposed change to §141 clarifies language regarding one category of records that licensees must maintain, modifying it from, "excessive damage of 7.5%," to language that more closely tracks the federal guidelines set forth in the U.S. Department of Agriculture's Grain Inspection Handbook. The exact level for excessive damage specific to each type of grain is expressly set forth in the federal guidelines. The proposed rule change incorporates the federal guideline language by reference, as if expressly stated herein. This change has no financial effects as it merely modifies one of 15 categories of records that licensees are required to maintain and therefore has no impact on costs/benefits to directly affected persons.

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

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

Dane K. Morgan  
Assistant Commissioner  
1909#065

Gregory V. Albrecht  
Chief Economist  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 111—The Louisiana School, District,  
and State Accountability System—Urgent and  
Comprehensive Interventions (LAC 28:XI.911)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:XI, *Bulletin 111—The Louisiana School, District, and State Accountability System*. Proposed amendments require that academic improvement plans for schools identified as "urgent intervention required" or "comprehensive intervention required" be developed in consultation with parents of students enrolled in such schools and be presented to parents within the first 60 days of the school year, pursuant to Act 236 of the 2019 Regular Legislative Session.

**Title 28  
EDUCATION**

**Part XI. Accountability/Testing**

**Subpart 1. Bulletin 111—The Louisiana School, District,  
and State Accountability System**

**Chapter 9. Urgent Intervention and Comprehensive  
Intervention**

**§911. Required Interventions**

A. In accordance with Louisiana's approved consolidated State plan under the Every Student Succeeds Act (ESSA), each LEA shall develop a plan that describes the goals, strategies, and monitoring processes that will be used to address the challenges of each school labeled "urgent intervention required" or "comprehensive intervention required" for approval according to timelines and procedures developed by the LDE. Such plan shall be developed in consultation with parents of students enrolled in such schools and shall remain in effect until such time as the school achieves established exit criteria set forth in §907 and §909 of this Part, or until an amended plan is required.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:457 (March 2018), amended LR 45:

**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 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 12 p.m. (noon), October 10, 2019 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. 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 111—The Louisiana School, District, and State Accountability System Urgent and Comprehensive Interventions

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

There could be increased costs to local school districts and charter schools as a result of the revisions. The proposed amendments require that academic improvement plans for schools identified as "urgent intervention required" or "comprehensive intervention required" be developed in consultation with parents of students enrolled in such schools and be presented to parents within the first 60 days of the school year, pursuant to Act 236 of 2019. Districts and other public schools could incur costs to accommodate parental consultation in the time frame required. This will vary by district and depend upon the method used to communicate and solicit such consultation and are indeterminable at this time.

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

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed policy revisions.

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

There are no estimated effects on competition and employment as a result of the proposed revisions.

Beth Scioneaux  
Deputy Superintendent  
1909#060

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and  
Practices—LEAP 2025—Science and Biology  
(LAC 28:XI.6115 and 6813)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education has amended *Bulletin 118—Statewide Assessment Standards and Practices*. The proposed revisions provide performance level cut scores for five achievement levels for the LEAP 2025 science assessments in grades 3-8 and high school biology assessments. Results will be incorporated into the 2018-2019 school performance scores, which will be released this fall.