



# 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 12, 2020

## 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

**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

TO: Senator Patrick Page Cortez, Senate President  
Representative Clay Schexnayder, Speaker of the House  
Senator Cleo Fields, Chair, Senate Committee on Education  
Representative Raymond E. Garofalo, 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, 2020, Notice of Intent that was promulgated on pages 1279-1280 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, 2020, 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: 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  
Ryan Gremillion, Policy Director, Louisiana Department of Education  
Shan N. Davis, Executive Director, BESE  
Kevin Calbert, Communications Manager, BESE

**Shan N. Davis**  
Executive Director

**Cade Brumley**  
State Superintendent

sanitizer, disinfectant wipes or spray, paper towels, tissues, and face coverings. Charter schools may incur significant costs associated with transportation due to limits on school bus capacity, including additional fuel for new routes and additional school buses and drivers for expanded fleet size; costs will vary by geography, student characteristics, and whether school buses are district-owned or contracted. Student programming determinations (distance or in-person instruction) may involve costs to the extent additional technology purchases, expanded server capacity, professional development, and assistance to families without internet access are required.

The amount of these expenditures is indeterminable at this time and will vary by charter school. Additional unforeseen costs may arise due to the unpredictability of operating during a pandemic, such as school staffing and attendance levels, consumption rate of hygienic supplies, and other factors. Further, it is unclear how schools will interpret provisions in the proposed rules that permit implementation "to the greatest extent possible"; this will likely vary by charter school.

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

Local charter schools will receive additional federal revenues to assist in offsetting the increased costs. In April 2020, the Department of Education (LDE) received nearly \$287 million in federal relief funding through the Coronavirus Aid, Relief and Economic Security (CARES) Act. The Department has notified school systems of their Elementary and Secondary School Emergency Relief (ESSER) Fund allocations totaling \$258 million. Because allocations to LEAs are based on their proportional share of Title I, Part A subgrants, allocations for charter schools with fewer economically disadvantaged students may not be sufficient to offset costs. Charter schools must apply to the LDE for funds and distributions must be made by the LDE within one year of receipt. Schools must obligate funds by September 30, 2022. Per U.S. Department of Education guidance, charter schools that are considered LEAs (types 2, 3B, and 5) are eligible for an ESSER subgrant as any other LEA. A charter school that is not a LEA (types 1, 3, and 4) may not receive a formula subgrant, but it will receive support through the LEA of which it is a part.

In addition to receiving a formula allocation of ESSER funds, LEAs were eligible to apply for \$25 million in ESSER incentive grants to support priorities enumerated in the LDE Strong Start 2020 guidelines, including curricular materials and professional development for continuous learning, postsecondary planning for high school students and recent graduates, supports for students with disabilities, and assistance with developing professional learning and adaptive staffing plans. In June 2020, BESE approved ESSER incentive grant allocations to districts. CARES Act funds included the Governor's Emergency Education Relief (GEER) Fund for Governors to support LEAs to continue to provide educational services and on-going functionality. The LDE allocated \$32.3 M to LEAs based on a needs assessment for devices and internet connectivity.

In July, the LDE was awarded \$17 million through the Rethink K-12 Education Models Grant to provide over 75,000 students access to microgrants for remote learning resources, including at least 12,000 students who will receive devices or hotspots through the program. Finally, the LDE is collaborating with the Governor's Office of Homeland Security and Emergency Management (GOHSEP) to assist districts with the purchase and distribution of personal protective equipment, including reusable and disposable face masks for faculty, staff, students, and visitors, and at least three thermometers per school.

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

In the event a charter school chooses to provide virtual education or a hybrid of virtual education and in-person education, families may experience reduced earnings through lost wages as well as increased childcare expenses on those days in which virtual education is offered. According to an April 2020 distance learning survey conducted by the LDE, approximately 34% of students do not have home internet access and 28% do not have access to a school-issued personal tablet or computer; families may incur costs associated with technology purchases and internet access. Additionally, families may experience costs to the extent they need to secure alternative means of school transportation due to limitations on school bus capacity. The amount of these costs will vary by family and are indeterminable at this time.

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

There may be increased demand for substitute teachers, school bus drivers and custodial services as a result of the proposed rules on group sizes, hygienic and cleaning requirements, and transportation capacity.

Beth Scioneaux  
Deputy Superintendent  
2009#034

Christopher A. Keaton  
Legislative Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Diploma Integrity Community Service Diploma Endorsement (LAC 28: CXV.2317)

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: CXV (Bulletin 741). Proposed revisions repeal the grade-level community service hour requirements and instead require that a student pursuing a Community Service Diploma Endorsement earn 80 hours of approved community service hours prior to graduation, as appropriate and reasonable

### Title 28 EDUCATION

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

#### Chapter 23. Curriculum and Instruction Subchapter A. Standards and Curricula §2317. High Schools

A. - H. ...

##### I. Community Service Diploma Endorsement

1. LEAs may allow students to earn a community service diploma endorsement.

2. Entering freshmen in 2013-2014 and beyond may earn the community service diploma endorsement by completing, at a minimum, 80 hours of documented community service prior to graduation.

3. ...

4. Students transferring into a participating LEA after the ninth grade or students graduating early may receive an

endorsement provided a total of 80 community service hours are completed prior to graduation.

J. - K.2.b. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6, 17:7, 17:154, 17:264, 17:1944, 17:1945, and 17:4073.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 36:1485 (July 2010), LR 37:1137 (April 2011), LR 38:754 (March 2012), LR 39:1038 (April 2013), LR 39:2216 (August 2013), LR 40:1328 (July 2014), repromulgated LR 40:1528 (August 2014), amended LR 40:2530 (December 2014), LR 45:37 (January 2019), LR 45:227 (February 2019), LR 46:

#### **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 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 12 p.m. (noon), October 10, 2020, 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 741—Louisiana Handbook for School Administrators—Diploma Integrity Community Service Diploma Endorsement**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
There is no impact to the Department of Education (LDE) or local school districts as a result of the proposed revisions which remove the minimum number of hours a student must complete per year in order to earn a Community Service Diploma Endorsement. The changes may require school counselors to revise documentation procedures, however this is not anticipated to have a material impact.
- 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, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)  
To the extent this revision results in more high school students pursuing the Community Service Diploma Endorsement, non-governmental organizations may benefit from an increase in the number of volunteers.
- 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  
2009#035

Christopher A. Keaton  
Legislative Fiscal Officer  
Legislative Fiscal Office