



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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October 13, 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 September 20, 2025, Notice of Intent that was promulgated on pages 1401-1406 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 December 20, 2025, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

Please contact Max Dupuy at (225) 342-5840 if the Board may be of any assistance to you concerning this Rule.

TAW:med

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
Max Dupuy, Records Management Administrator, BESE

expenditures to develop such a system, with continued annual expenditures for maintenance and any training needed for operation of the system. Any costs will vary by school system and are indeterminable. There is no expected impact on state expenditures as the Louisiana Department of Education (LDOE) will complete the data collection and compilation required using current staff within the scope of their current positions.

Part CXV, Chapter 21, Section 2101 (Act 42) authorizes any city, parish, or local public school board to contract with a transportation network company to transport students under the age of 18 to or from school or a school sanctioned activity. To the extent a city, parish, or other local school system opts to contract with a transportation network company to transport students under the age of 18, an increase in local fund expenditures is anticipated. However, such an expense will vary by school system and be dependent on the specific contract entered into. There is no anticipated impact to state governmental expenditures as a result of the proposed legislation.

Part CXV, Chapter 21, Section 2103 and Part LXXIX, Chapter 19, Section 1903 (Act 463) prohibit public schools and nonpublic schools that receive state funds from serving foods that contain specific artificial colors and additives to students, effective for the 2028-29 school year. A majority of school sites in the state opt in to the Community Eligibility Provision (CEP), which allows schools to offer free meals to all students in high-poverty areas based on a formula to determine federal vs. local responsibility. If the cost of meals increases and federal reimbursement rates are not increased in kind, local fund expenditures may be impacted. If such an impact occurs, it is not anticipated to be significant. LDOE provides that any increase in costs should be absorbable within current federal reimbursement rates. Any impacts to expenditures as a result of this change are not anticipated within the three-year period covered in this FEIS.

Part CXV, Chapter 23, Subchapter A, Section 2302 (Act 365) requires all public and approved nonpublic schools to use a 10-point grading scale for the purpose of assigning grades used in the calculation of the minimum grade point average for the Taylor Opportunity Program for Students (TOPS) award qualification, regardless of whether the school uses a different grading scale for other purposes. There is no anticipated increase in governmental expenditures as a result of this rule change.

Part CXV, Chapter 23, Subchapter A, Sections 2305, 2316, 2317, 2318, and 2319 and Part LXXIX, Chapter 21, Sections 2107, 2109, 2110, and 2111 (Act 268) make changes concerning the delayed implementation of the Computer Science Education Act allowing LDOE to include any expenditures necessitated by the provisions Act within its existing computer science budget in future fiscal years. Additional funding to meet the requirements of the Computer Science Education Act, specifically the hiring of five (5) Teacher Leader Advisors (TLAs), was contemplated and included during the department's FY 26 budget development process.

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

Changes made to Chapter 3, Sections 326, 339, and Chapter 5, 501, and 502 may result in an increase in revenues for LDOE. Administrative fees ranging from \$25 to \$250, depending on the size of the center, are collected with each application for initial licensure in accordance with R.S. 17:407.39. LDOE reports an anticipated revenue increase of \$6,350 SGR from collecting licensing fees received from nonpublic pre-kindergarten programs due to the proposed law requiring these programs to be licensed as early learning

centers. The department identified 254 nonpublic pre-kindergarten programs without a license that will incur a cost of \$25 per program upon enactment.

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

Some early childhood programs in nonpublic schools may require updates to facilities in order to comply with mandated licensure, as required by this rule change, in compliance with Act 409. Additional classroom space and/or staff may also be needed to fulfill minimum standards and licensure requirements. This impact is indeterminable. There is also a cost of approximately \$100 associated with each Child Care Criminal Background Check determinations for employees and/or employers. The cost may vary depending on the fingerprinting location utilized. The rule change complies with enacted legislation, requiring separate restrooms for students enrolled in prekindergarten programs or early learning centers constructed after 1/01/26, possibly resulting in additional expenditures for construction; however, this amount is indeterminable.

Providers of school food items may realize an impacts as a result of changes in food purchasing made by public and non-public schools in order to comply with the proposed rule change concerning prohibited food items. Any impacts to costs or benefits of these businesses as a result of this change are not anticipated within the three-year period covered in this FEIS.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Additional employment opportunities for early childhood teachers and support staff (Act 409), transportation network drivers (Act 42), and numeracy coaches (Act 353) could emerge depending on the demand for services in a particular region.

Beth Scioneaux
Deputy Superintendent
2509#067

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Implementation of Education Acts of the 2025 Regular
Legislative Session (LAC 28: CXIII.1909;
LAC 28: CXXXIX. Chapters 3-43;
LAC 28: CLV. Chapters 1-11; and LAC 28: CLVII.307)

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: CXIII in *Bulletin 119—Transportation*, LAC 28: CXXXIX in *Bulletin 126—Charter Schools*, LAC 28: CLV in *Bulletin 134—Tuition Donation Rebate Program*, and LAC 28: CLVII in *Bulletin 135—Health and Safety*. During the 2025 Regular Legislative Session, laws were enacted that require revisions to Board of Elementary and Secondary Education (BESE) policy to include:

- Bulletin 119—Transportation
 - Act 42. Transportation network companies
- Bulletin 126—Charter Schools
 - Act 413. Charter school start up loan fund
 - Act 129. Charter school assets
 - Act 497. Expulsion exception

- Bulletin 134—Tuition Donation Rebate Program
 - Act 282. Lab schools and tuition donation program
 - Act 403. Tax credit for donations to school tuition organizations
- Bulletin 135—Health and Safety
 - Act 402. Diabetes information

Further revisions to *Bulletin 126* are proposed to clarify processes for criminal background checks, update application submission, and include an attestation of compliance.

Title 28

EDUCATION

Part CXIII. Bulletin 119—Louisiana School Transportation Specifications and Procedures

Chapter 19. Transporting Students

§1909. Alternate Means of Transportation

A. A local public school board may contract with a transportation network company to transport students under the age of eighteen to or from a school or school related activity when the transportation network company is in compliance with R.S. 17:166.1.

B. Driver Requirements.

1. The driver is at least twenty-one years of age and possesses a valid Louisiana driver's license for a minimum of three years.

2. The driver has undergone a background check process which includes:

a. a national and state fingerprint-based criminal background check through the Bureau of Criminal Identification and Information in the Office of State Police pursuant to R.S. 15:587.1 and R.S. 17:15; and

b. a clear Louisiana DCFS child abuse and neglect screen.

3. The company shall provide child safety education to the driver, to include:

- a. safe driving practices;
- b. first aid and CPR;
- c. special considerations for transporting students with disabilities;
- d. safe pick-up and drop-off procedures; and
- e. laws on proper child restraint systems.

C. Minimum Safety and Technology Requirements.

1. The company shall implement a technology-enabled solution that:

a. provides end-to-end viability of the ride and GPS tracking of the ride in real-time for the company, the passenger's legal guardian, and if different from the legal guardian, the person or entity who scheduled the ride;

b. monitors the ride in real-time for safety-related anomalies; and

c. provides the passenger's legal guardian with the ability to contact the driver and the company directly.

2. The company shall implement ride-tracking technology that allows for the detection of the following driving behaviors:

- a. device use;
- b. speeding;
- c. hard turning;
- d. hard braking;
- e. hard acceleration; and
- f. collision detection.

D. Vehicle Minimum Standards. The company shall ensure that vehicles used to provide services are vehicles originally designed for not more than eight passengers, including the driver; no more than thirteen years old; and annually inspected by a mechanic.

1. The driver shall complete and document a daily pre-trip inspection before providing a ride pursuant to a contract.

2. The pre-trip inspection shall list any defects of deficiencies which would affect the safety of operation of the vehicle. Prior to performing services, any noted defects or deficiencies listed in the annual or pre-trip inspection shall be repaired or corrected.

3. If no defects or deficiencies are discovered by or reported to the driver, the documented inspection shall so indicate.

E. The company shall maintain commercial automotive insurance that does not contain an exclusion for the transportation of an unaccompanied minor.

F. The company shall publish an annual safety report on its website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:166.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:

Title 28

EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 3. Charter School Authorizers

§305. BESE Duties Relating to Charter Schools

A. ...

1. Repealed.

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1359 (July 2008), amended LR 37:2383 (August 2011), LR 51:

Chapter 5. Application and Approval Process for BESE-Authorized Charter Schools

§503. Eligibility to Apply for a Type 2 Charter School

A. - A.3. ...

a. At the time of application, all new operators and/or experienced operators not currently operating a charter school in Louisiana must undergo a criminal background check for each board member identified with the submission of the full application. The request for information shall be from the Bureau of Criminal Identification and Information and the Federal Bureau of Investigation concerning whether the person has been arrested for, convicted of, or pled nolo contendere to any criminal offense.

b. Subsequent board member nominations or replacements shall also be required to undergo the required criminal background check upon appointment.

4. - 5.e....

6. Applicants who have been denied or have withdrawn an application during an application cycle to BESE for a Type 2 or 4 charter may not reapply to BESE until the subsequent calendar year, provided the applicant meets eligibility criteria in accordance with this Part.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3973, R.S. 17:3981, R.S. 17:3982, R.S. 17:3983, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1360 (July 2008), amended LR 37:868 (March 2011), LR 38:3117 (December 2012), LR 39:1431 (June 2013), LR 39:3064 (November 2013), LR 44:232 (February 2018), LR 47:571 (May 2021), LR 51:37 (January 2025), LR 51:

Chapter 16. School Closure

§1603. Asset Transfer for Charter School Closures

A. If the charter agreement of Type 1, 3, or 3B charter school is revoked or the school otherwise ceases to operate, all assets purchased by the charter school with any public funds becomes the property of the chartering authority.

B. If the charter agreement of a Type 2 charter school that was previously any other type of charter school is revoked or the school otherwise ceases to operate, any property owned by the local school board that was used by the charter school prior to such revocation or cessation operation remains the property of the local school board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3973, R.S. 17:3981, R.S. 17:3982, R.S. 17:3983, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 51:

Chapter 21. Charter School Governance

§2103. Board Member Responsibilities

A. - J. ...

K. Beginning January 1, 2026, the board chair of BESE-authorized charter schools shall submit signed attestations of compliance with all requirements set forth by LDOE in accordance with this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1370 (July 2008), amended LR 37:874 (March 2011), amended LR 50:657 (May 2024), LR 51:270 (February 2025), LR 51:

Chapter 25. Charter School Fiscal Responsibilities

§2509. Assets of BESE-Authorized Charter Schools

A. - E. ...

F. If a Type 1, 3, or 3B charter school is approved for conversion to a Type 2 charter school, all assets purchased with any public funds prior to such conversion shall remain the property of that charter school for the duration of the charter agreement with BESE, subject to federal regulations applicable to any federal funding source used for the purchase.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3991, R.S. 3983(B)(2), and R.S. 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1373 (July 2008), amended LR 39:3252 (December 2013), LR 44:242 (February 2018), LR 51:

Chapter 40. Charter School Autonomy

§4003. Applicability of State Laws

A. - A.23. ...

24. reporting by a school employee employed by the governing authority of a public elementary or secondary school of his arrest for one or more of the specified offenses

relative to sexual morality affecting minors, R.S. 17:16, any of the crimes provided in R.S. 15:587.1, or any substantiated allegation of child abuse or neglect on file in the central registry pursuant to Article 615 of the Children's Code;

25. - 45. ...

46. Student records, R.S. 17:112.

47. Vocational and technical education, R.S. 17:183.4.

48. Child health and safety minimum standards, R.S. 17:407.41.

49. School nutrition, R.S. 17:193.3.

50. Cameras in special education classrooms, R.S. 17:1948.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), amended LR 48:1269 (May 2022), LR 50:178 (February 2024), LR 50:657 (May 2024), repromulgated LR 50:783 (June 2024), amended LR 51:42 (January 2025), LR 51:

§4313. Reasons for Expulsions

A. - A.3.c. ...

4. Any student in sixth grade and above found guilty of being in possession of tobacco, alcohol, or vaping products or found guilty on first occurrence of being in possession of marijuana, tetrahydrocannabinol, or any chemical derivative thereof on school property, on a school bus, or at a school-sponsored event, may be recommended for expulsion.

5. - 6. ...

7. A student in grades six through twelve found guilty of being in possession of marijuana, tetrahydrocannabinol, or any derivative thereof shall not be subject to the provisions of Paragraph 5 of this Subsection unless the offense is the second or subsequent occurrence.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1003 (April 2022), amended LR 51:43 (January 2025), LR 51:

Title 28

EDUCATION

Part CLV. Bulletin 134—Tuition Donation Rebate Program

Chapter 1. General Provisions

§103. Definitions

A. - A.2. ...

Administrative Costs—all costs and expenses associated with the operation of a school tuition organization, including promotional costs and the costs associated with administering state testing, other than scholarship awards. Administrative costs shall not exceed 5 percent of any donation.

Qualified School—a nonpublic elementary or secondary school in Louisiana which is approved by the Board of Elementary and Secondary Education (BESE) or public elementary or secondary laboratory school operated by a public college or university in Louisiana and which complies with the criteria set forth in *Brumfield, et al. v. Dodd, et al.*, 425 F. Supp 528.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6301.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1024 (April 2013), amended LR 41:41 (January 2015), LR 42:553 (April 2016), LR 43:2480 (December 2017), LR 51:

Chapter 3. School Tuition Organizations

§303. Awarding of Scholarships

A. - G. ...

H. Any qualified student receiving a scholarship from a school tuition organization may receive any other publicly funded scholarship, voucher, or other form of public financial assistance specific to that student for purposes of attending a nonpublic school.

I. A qualified student may receive scholarships from multiple school tuition organizations the total amount of which may not exceed the lesser of actual tuition and mandatory fees at the qualified school or:

1. - 2. ...

J. The sum of scholarships received by each qualified student from school tuition organizations and any other publicly funded scholarship, voucher, or other form of financial assistance specific to that student for purposes of attending a nonpublic school shall not exceed the actual tuition and fees at the qualified school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6301.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 39:1025 (April 2013), amended LR 40:499 (March 2014), LR 41:41 (January 2015), LR 42:554 (April 2016), LR 51:

§311. Scholarship and Tuition Payments

A. School tuition organizations shall distribute scholarship payments on a quarterly basis each year as payments made out to a parent of a qualified student that are mailed to the qualifying school where the student is enrolled. The parent shall approve the payment for deposit into the account of the school. If the payment is made by check, the parent may endorse the check electronically. The parent shall not designate any entity or individual associated with the school as the parent's attorney to endorse a scholarship check.

B. ...

C. The LDOE shall verify that each qualified student has received scholarships from school tuition organizations not to exceed the lesser of actual tuition and fees at the qualified school or 80 percent of the state average MFP per pupil funding amount for the previous year in the case of a qualified student enrolled in kindergarten-eighth grade, or 90 percent of the state average MFP per pupil funding amount for the previous year in the case of a qualified student enrolled in ninth-twelfth grade. If the total amount of scholarships received from school tuition organizations by a qualified student has exceeded one of these amounts, as applicable, the school tuition organization that awarded the scholarship that caused the student's total scholarship amount to exceed this amount shall refund the state the difference.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6301.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1025 (April 2013),

amended LR 40:499 (March 2014), LR 43:2481 (December 2017), LR 51:

Chapter 11. Qualified Schools

§1109. Testing of Scholarship Students

A. Using funds retained for administrative costs by the school tuition organization, schools enrolling participating students shall annually administer either any examination in ELA and mathematics required pursuant to the school and district accountability system at the prescribed grade level or a nationally norm-referenced test or assessment approved by BESE.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6301.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1028 (April 2013), amended LR 40:500 (March 2014), LR 51:

Title 28

EDUCATION

Part CLVII. Bulletin 135—Health and Safety

Chapter 3. Health

§307. Diabetes Information, Management, and Treatment

NOTE: This Rule was developed in coordination with the Louisiana State Board of Nursing (LSBN). Any waivers, deletions, additions, amendments, or alterations to this policy shall be approved by both BESE and LSBN.

A. - I.6. ...

J. Distribution of Type I Diabetes Information. The LDOE shall provide informational materials developed by LDH to each LEA. Each LEA shall distribute the information to parents and legal guardians of all pre-k, elementary, and secondary students upon enrollment and annually thereafter by posting the information on the school website or by electronic distribution. The information includes, but is not limited to:

1. a description of type 1 diabetes;
2. a description of the risk factors and warning signs associated with type 1 diabetes;
3. a description of the need for screening of all students for early detection of type 1 diabetes using a blood autoantibody test; and
4. a recommendation that a parent or guardian of a student displaying warning signs associated with type 1 diabetes or positive early detection screening results should immediately consult with the student's primary care provider to develop an appropriate treatment plan. The treatment plan may include consultation with and examination by a specialty care provider, including but not limited to a properly qualified endocrinologist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:436.3, and R.S. 17:436.3.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Board of Nursing, LR 39:1033 (April 2013), amended LR 39:2194 (August 2013), LR 39:3069 (November 2013), LR 51:

Family Impact Statement

In accordance with section 953 and 974 of Title 49 of the 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? Yes.

6. Is the family or 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 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? Yes.

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, October 10, 2025, to Tavares 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 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: Implementation of Education Acts of the 2025 Regular Legislative Session

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 LAC 28:CXIII in *Bulletin 119—Transportation*, LAC 28:CXXXIX in *Bulletin 126—Charter Schools*, LAC 28:CLV in *Bulletin 134—Tuition Donation Rebate Program*, and LAC 28:CLVII in *Bulletin 135—Health and Safety* as a result of legislation enacted following the 2025 Regular Session.

Act 42, regarding transportation network companies, is permissive and not mandatory. To the extent a city, parish, or other local school system opts to contract with a transportation network company to transport students under the age of 18, an increase in local fund expenditures is anticipated. However, such an expense will vary by school system and be dependent on the specific contract entered into.

Act 129 makes technical changes concerning the assets of charter schools. As a result, local school boards that are replaced by BESE as the chartering authority of a conversion school may realize an increase in expenditures to replace any assets no longer available to them. Alternatively, they may realize savings as responsibility for maintenance and upkeep of any immovable facilities will not be the responsibility of the system, for the length of time BESE manages the charter. Any impacts are expected to be situational and dependent on a variety of factors, including: (1) whether the local school board needs to acquire replacements for any assets transferred; (2) the number of schools converted within a specific school board's jurisdiction; and (3) the quantity and type of assets involved.

Act 413 transfers administration of the Charter School Start-Up Loan Fund from BESE to DOA, requiring the repeal of one section in *Bulletin 126—Charter Schools*. There is no impact to expenditures as a result of these changes.

Act 402 requires the Louisiana Department of Health (LDH) to develop and provide type 1 diabetes information materials to LDOE and further requires LDOE to provide this information to local school boards who are to annually distribute it, via a school website or through electronic distribution methods, to the parents and legal guardians of all prekindergarten, elementary, and secondary students. LDH has supplied the diabetes information, and LDOE will distribute it through electronic communication streams already in use.

Act 497 permits school systems to consider disciplinary actions other than zero tolerance for certain first offense findings. There is no anticipated impact to governmental expenditures as a result of this change.

Acts 282 and 403 make changes to Student Tuition Organization (STO) laws, authorizing university laboratory schools to participate in the student tuition organization tax credit programs and allowing students to stack an STO

scholarship and other publicly funded federal aid, up to the cost of tuition and mandatory fees or a given percentage of the MFP. LDOE will be required to provide additional calculations to support this provision, and this work will be accomplished using existing resources.

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

Changes regarding the hiring of transportation network companies to comply with Act 42 may increase the number of background checks performed, the Office of State Police (OSP) may realize an indeterminable, but not likely to be significant, increase in SGR. The proposed rule requires a transportation network employee transporting students under proposed legislation must complete a national and state fingerprint-based criminal background check through the Bureau of Criminal Identification and Information in OSP pursuant to R.S. 15:587.1 and R.S. 17:15(A)(1)(c). OSP charges \$31 for state background checks and \$12 for federal background checks. OSP retains \$2 of the \$12 fee charged for the federal background checks and remits the remainder to the Federal Bureau of Investigation. Concerning Act 403, the rule change does not impact the value of or eligibility for the nonrefundable income tax credit that taxpayers receive for donations to STOs.

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

Act 403 and its accompanying rule change will allow families to receive additional tuition funding sources for use in the LA GATOR Scholarship Program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Act 42 and its accompanying rule change may increase competition and employment as transportation network companies may be contracted to provide transportation services in certain situations.

Beth Scioneaux
Deputy Superintendent
2509#064

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Safe Learning Environments
(LAC 28:XLIII.301 and Chapter 5;
LAC 28:CXV.331 and 332)

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:XLIII in *Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act* and LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. Act 479 of the 2025 Regular Legislative Session implemented regulations that require revisions to BESE policy regarding the use of seclusion and restraint to provide for increased oversight and safety. The Act also establishes annual reporting criteria, mandates installation of cameras in certain special education classrooms, and requires that teachers receive instruction in crisis intervention strategies. Further revisions provide language alignment and clarification as well as technical edits.

Title 28 EDUCATION

Part XLIII. Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act

Chapter 3. Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements

Subchapter A. Parental Consent

§301. Parental Consent

A. - A.3.b. ...

4. Within a reasonable amount of time, and not longer than 10 business days, from receipt of a written parental request for a special education evaluation, an LEA shall either request parental consent for evaluation or provide prior written notice of refusal.

B. - D.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 34:2058 (October 2008), amended LR 36:1502 (July 2010), LR 50:1151 (August 2024), LR 51:

Chapter 5. Procedural Safeguards

Subchapter C. Seclusion and Physical Restraint

§540. Definitions as Used in this Subchapter

A. - A.8. Repealed.

Crisis Intervention—the implementation of an action plan for school personnel to use when a student exhibits disruptive behaviors that prevent the student from participating in classroom or daily activities. Information about a school's use of crisis intervention, including the proper use of seclusion and physical restraint, shall be included in the school's student handbook and made available to the parent and legal guardian of each student with an IEP or Behavioral Intervention Plan (BIP). Crisis intervention may include the following:

1. the use of positive behavioral supports and sensory rooms or other calming spaces intentionally designed to help comfort and stabilize a student in order that the student may return to the classroom or daily activities;

2. in extraordinary cases, the use of seclusion and physical restraint as a means to safely de-escalate a situation in which a student poses a risk of imminent harm to self or others.

Imminent Risk of Harm—an immediate and impending threat of a person causing substantial injury to self or others.

Mechanical Restraint—the application of any device or object used to limit a person's movement, but does not include:

1. a protective or stabilizing device used in strict accordance with the manufacturer's instructions for proper use and which is used in compliance with orders issued by an appropriately licensed health care provider; or

2. any device used by a duly licensed law enforcement officer in the execution of his official duties.

Physical Restraint—the use of manual restraint techniques that involve physical force applied to restrict the movement of all or part of a person's body, but does not include: