



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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October 12, 2026

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, 2026, Notice of Intent that was promulgated on pages 1574-1577 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, 2026, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

Please contact Max Dupuy at (225) 342-5841 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, Assistant Superintendent, Louisiana Department of Education
Max Dupuy, Records Management Administrator, BESE

NOTICE OF INTENT

Board of Elementary and Secondary Education

Early Childhood
(LAC 28:I.505; LAC 28:CLXI.701; and LAC
28:CLXVII.509, 513, 703, and 1101)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:961 et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:I in Part I. *BESE/8(g) Operations*, LAC 28:CLXI in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*, and LAC 28:CLXVII in *Bulletin 140—Louisiana Early Childhood Care and Education Network*. The proposed revisions implement two Acts of the 2026 Regular Legislative Session. Act 893 requires the owner, operator, or governing authority of a proposed licensed early learning center to have a risk assessor conduct a risk assessment of the facility and grounds for the presence of paint, dust, and soil lead hazards, to include the results with the original license application, and to refrain from commencing operations where lead hazards are found until appropriate lead hazard control methods have been implemented and confirmed. Act 580 consolidates the Advisory Council on Early Childhood Care and Education into the Early Childhood Care and Education Commission, repeals the statutory authority for the advisory council, and transfers its duties to the commission. The revisions accordingly rename the body throughout, revise the commission's functions, composition, appointing authorities, member terms, vacancies, governance, and meeting frequency, and provide for quarterly departmental reporting to the commission.

Title 28 EDUCATION

Part I. BESE/8(g) Operations

Subpart 1. Board of Elementary and Secondary Education

Chapter 5. Organization

§505. Special Advisory Councils/Task

Forces/Commissions/Study Groups

A. - A.1.b.iii.(i). ...

(j). Early Childhood Care and Education Commission representative; and

A.1.b.iv. - A.1.b.iv.(f). ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:6(A)(15), 17:11, 17:24.4, and 42:19.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2086 (August 2022), amended LR 51:34 (January 2025), LR 52:

Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations

Chapter 7. Licensing Process and Procedures

§701. Initial Application Process

A. - E.9. ...

F. Effective for licensure of applicants whose site will first be placed in operation on or after August 1, 2026, the original application shall include the results of the risk assessment of the facility and grounds for the presence of paint, dust, and soil lead hazards. If the results of the risk assessment indicate that lead hazards were found, the facility

shall not commence operations until appropriate lead hazard control methods have been implemented and confirmed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 30:2351.28, and 17:407.39.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:622 (April 2015), effective July 1, 2015, amended LR 41:2104 (October 2015), LR 44:248 (February 2018), effective March 1, 2018, LR 44:1860 (October 2018), LR 47:1275 (September 2021), LR 52:25 (January 2026), LR 52:

Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network

Chapter 5. Early Childhood Care and Education Accountability System

§509. Performance Rating Calculations for Publicly-Funded Sites

A. - B.2. ...

3. Repealed.

B.4. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2587 (December 2015), amended LR 42:1873 (November 2016), LR 44:1442 (August 2018), LR 45:1453 (October 2019), LR 47:1286 (September 2021), LR 48:1010 (April 2022), LR 49:1716 (October 2023), LR 52:1329 (August 2026), LR 52:

§513. Informational Metrics of Best Practices

A. - B.4.b. ...

C. Repealed.

D. - D.2. ...

3. Repealed.

E.1. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2588 (December 2015), amended LR 42:1875 (November 2016), LR 43:2131 (November 2017), LR 49:1716 (October 2023), LR 52:

Chapter 7. Coordinated Enrollment

§703. Coordinated Enrollment Process

A. - H. ...

I. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq., and R.S. 17:407.91 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2591 (December 2015), amended LR 42:1876 (November 2016), LR 44:1443 (August 2018), LR 52:

Chapter 11. Early Childhood Care and Education Commission

§1101. Early Childhood Care and Education Commission

A. Functions.

1. The commission shall study and make recommendations relative to establishing a statewide vision and framework for the future of early childhood care and education in Louisiana. The commission shall provide input and guidance to BESE and the LDOE on matters pertaining to the development and implementation of rules, regulations, bulletins, policies, or standards related to all early care and education programs, including early learning centers, enrollment in early learning centers, the Cecil J. Picard LA4 Early Childhood Program, the Child Care and Development Fund Block Grant, the Child Care Assistance Program, Early Head Start, and Head Start.

2. Prior to consideration by BESE of any rule or standard regarding early learning centers, enrollment in early learning centers, the Cecil J. Picard LA4 Early Childhood Program, the Child Care and Development Fund Block Grant, or the Child Care Assistance Program, the LDOE shall consult with and provide a draft of the proposed rules to the commission, and provide an opportunity for the commission to make recommendations.

3. Prior to submission to the United States Department of Health and Human Services, LDOE shall consult and provide a draft of the state plan for the Child Care and Development Fund and budget, and any amendments to the state plan including budget revisions, and provide an opportunity for the commission to make recommendations. Recommendations made by the commission shall be submitted to BESE.

4. Not later than ninety days following the end of the fiscal year, the commission shall provide a report of the findings and recommendations relative to establishing a statewide vision and framework for the future of early childhood care and education in Louisiana to the governor, the members of the legislature, the state superintendent of education, and BESE. The report shall include without limitation policy recommendations of the commission, the status of the implementation of its recommendations, and findings of the commission concerning the system performance and progress toward statewide goals.

5. The LDOE shall provide quarterly reports to the commission on the implementation and progress, activities, and status of the Early Childhood Care and Education Network.

B. Composition. The commission shall consist of members as follows:

1. Appointed by the Governor:

- a. One representative of a Head Start program;
- b. One representative of a child advocacy or community organization;
- c. One representative of the governor's office;
- d. One professional with expertise in the socioemotional development and well-being of children from birth to age four; and
- e. One representative of a disability advocacy or community organization.

2. Appointed by the speaker of the House of Representatives.

- a. One business representative;
- b. One local school superintendent;
- c. One representative of a Type III early learning center;
- d. One parent of a child in a publicly funded early learning center, Early Head Start Center, Head Start Center, or stand-alone prekindergarten program;
- e. One early care and education researcher from a public postsecondary education institution; and
- f. Two members of the House of Representatives.

3. Appointed by the president of the Senate:

- a. One business representative;
- b. One local school superintendent;
- c. One representative of a Type III early learning center;

d. One parent of a child in a publicly funded early learning center, Early Head Start, Head Start, or stand-alone prekindergarten program;

e. One representative from a Type I early learning center; and

f. Two members of the Senate.

4. Appointed by the commissioner of higher education: One professional or faculty member having child development or early childhood education expertise from a Louisiana postsecondary education institution.

5. Appointed by BESE:

a. Two representatives of high-performing community early childhood care and education networks;

b. One representative of a nonpublic school participating in a publicly funded early childhood care and education program;

c. One representative of local education agencies operating publicly funded early childhood programs other than Head Start;

d. One representative from a child care resource and referral agency; and

e. One parent of a child currently enrolled in a publicly funded early learning center or prekindergarten program.

6. Appointed by the BESE president: One member of BESE.

7. Appointed by the state superintendent of education:

a. One representative of a family child care provider that is Child Care Assistance Program certified with academic approval;

b. One representative of early childhood programs within the LDOE;

c. One representative of the special education programs within the LDOE;

d. One representative of a Type III early learning center;

e. One representative of a Type II early learning center; and

f. One representative of a Head Start program, which shall be operated by a nonlocal education agency selected from a list of three persons nominated by the Louisiana Head Start Association.

8. Appointed by the Board of Regents:

a. One early intervention researcher from a Louisiana public postsecondary education institution;

b. One early childhood education researcher from a Louisiana public postsecondary education institution; and

c. A staff member of the Board of Regents.

9. Appointed by For Providers, By Providers: One representative of a child advocacy or community organization.

10. Appointed by the secretary of the Louisiana Department of Health:

a. One representative of maternal, infant, and early childhood home visitation programs with the Bureau of Family Health; and

b. One representative of the Early Steps program within the Bureau of Family Health.

11. Appointed by the American Academy of Pediatrics, Louisiana Chapter: One representative.

12. The director of the Louisiana Head Start Collaboration Office.

13. Appointed by the president of the Center for Literacy and Learning: One early childhood development and education specialist.

14. Appointed by the chairman of the Louisiana Educational Television Authority (LETA): One member of LETA.

15. Appointed by the chief executive officer of Leaders for a Better Louisiana: One representative of a nongovernmental economic development organization.

16. Appointed by the chief executive officer of the Louisiana Policy Institute for Children: One representative of a child advocacy organization.

17. Appointed by the board of directors of the Child Care Association of Louisiana: One child care provider.

18. The president and chief executive officer of the Louisiana Association of Business and Industry, or designee.

19. The secretary of Louisiana Works, or designee.

20. The secretary of Louisiana Economic Development, or designee.

21. The secretary of the Department of Children and Family Services, or designee.

C. The commission shall include nonvoting ex-officio members, who may advise and contribute to discussions pertaining to early childhood care and education, including but not limited to the following:

1. The chairpersons of the House Committee on Education, Senate Committee on Education, House Committee on Health and Welfare, and Senate Committee on Health and Welfare, or designee.

2. - 4. Repealed.

5. The director of the Maternal and Child Health Program at the Louisiana Department of Health.

6. The director of the Child and Adult Care Food Program at the LDOE.

7. The Louisiana State Fire Marshal, or designee.

8. A representative from the office of sanitarian services at the Louisiana Department of Health.

9. Repealed.

10. ...

D. General Commission Membership Information

1. Terms. Members shall serve a term of four years from the date of appointment. However, the term of a member appointed by an elected official shall not extend beyond the term of the appointing authority.

2. Vacancies. A vacancy in the membership of the commission shall be filled in the same manner as the original appointment.

3. Proxy. Any person serving on an advisory commission who cannot attend a scheduled meeting may designate a person to attend as proxy.

4. Repealed.

5. Action. The affirmative vote of a majority of the voting members present shall be necessary for any action taken by the commission.

6. ...

7. - 7.a. Repealed

E. Chair. Voting members of the commission shall elect a chair and co-chair to provide for effective governance.

1. - 2. Repealed.

F. Meetings. The commission shall meet at least quarterly, with the meetings to be called by the chair or the state superintendent as needed.

1. - 5. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.1 and R.S. 17:407.101.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:2092 (August 2022), amended LR 51:36 (January 2025), LR 52:

Family Impact Statement

In accordance with Section 972 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule 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 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? Yes.

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 12, 2026, 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: Early Childhood

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

Local education agencies (LEAs) that operate affected early learning centers or schools with attached prekindergarten programs may incur costs as a result of the proposed rule change, which amends LAC 28:CLXI, to implement Acts 893 of the 2026 Regular Session. The proposed rule change, in accordance with Act 893, requires hazard risk assessments be conducted as a part of an initial application to operate as an early learning center.

The Department of Environmental Quality will incur a one-time cost of approximately \$50,000 to \$100,000 to modify its permitting software to receive and track lead hazard risk assessment results, with any additional workload associated with follow-up inspections being indeterminable. Act 3 of the 2026 RS (General Appropriations Bill) appropriated \$115,000 in SGR from the Lead Hazard Reduction Dedicated Fund Account for this purpose.

There are no anticipated implementation costs or savings to the Louisiana Department of Education (LDOE). The department will collect the lead hazard risk assessment results required by Act 893 as part of the existing initial license application review, will provide the notice that act directs, and will support the consolidated Early Childhood Care and Education Commission, all using existing staff and previously appropriated funds.

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)

Prospective owners, operators, of early learning centers whose sites are first placed in operation on or after August 1, 2026, will incur the cost of a lead hazard risk assessment of the facility and grounds, and the cost of lead hazard control methods where hazards are found. That cost is imposed by Act 893 and R.S. 30:2351.28 rather than by this rule, which conforms the licensing regulations to the statute. The cost varies with the size, age, and condition of each facility, and is indeterminable. No assessment is required where the facility or its grounds has been inspected, has had a risk assessment, or has been the subject of lead abatement or remediation since 1978, and no further testing is required once the absence of lead hazards is documented.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The lead hazard risk assessment requirement applies uniformly to all early learning centers whose sites are first placed in operation on or after August 1, 2026, so it does not advantage any provider over another. Licensed lead risk assessors certified by the Department of Environmental Quality may experience some additional demand for their services; any such effect is indeterminable.

Beth Scioneaux
Deputy Superintendent
2609#073

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Math and ELA Content Standards

(LAC 28:CXLII.Chapters 3, 5, 7, 9, 11, 13,
15, 17, 21, 23, 27, 29, 31, 33, 35, and 37;

LAC 28:CLXIX.Chapters 3, 5, 7, 11, 13, 15, 21, and 23)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:961 et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:CXLII in *Bulletin 142—Louisiana Mathematics Student Standards* and LAC 28:CLXIX in *Bulletin 169—Louisiana English Language Arts Student Standards*. Board of Elementary and Secondary Education (BESE) policy requires that Louisiana content standards are periodically reviewed and revised to maintain rigor and high expectations for teaching and learning. The proposed revisions refine the mathematics and English language arts student standards adopted in July 2026, clarifying standard language, correcting grade-level designations, aligning parallel standards across courses, and removing illustrative examples that are more appropriately addressed through instructional guidance than through the standards themselves.

Title 28 EDUCATION

Part CXLII. Bulletin 142—Louisiana Mathematics Student Standards

Chapter 3. Kindergarten

§303. Numeracy and Operational Fluency

A. - C. ...

1. Compare sets of objects up to and including 20 in each set using comparative language, e.g., by using matching and counting strategies.

C.2. - E.1.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.