



# 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

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

Michael Meferine  
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 Voittier  
Member-at-Large

December 12, 2022

## MEMORANDUM

TO: Senator Patrick Page Cortez, Senate President  
Representative Clay Schexnayder, Speaker of the House  
Senator Cleo Fields, Chair, Senate Committee on Education  
Representative Lance Harris, 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 November 20, 2022, Notice of Intent that was promulgated on pages 2784-2786 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 February 20, 2023, 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.

SND:ell

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  
Ashley Townsend, 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

- 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 noon, December 12, 2022, to Shan N. Davis, 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 Shan 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: BESE/8(g) Operations**

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

The proposed revisions will not have an effect on costs or savings to state or local governmental units. The revisions amend the emergency contracting process, as recommended in a report published by the Louisiana Legislative Auditor.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or nongovernmental groups.

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

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

Beth Scioneaux  
Deputy Superintendent  
2211#046

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 111—The Louisiana School, District, and State Accountability System—Alternative Education (LAC 28:XI.3503)

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 proposes to amend LAC 28:XI, *Bulletin 111—The Louisiana School, District, and State Accountability System*. The aforementioned revisions relate to alternative school

accountability and adjust the way points are awarded in the Dropout/Credit Accumulation index to allow points based on credits earned in a single semester, remove from the Core Credit Attainment Index seniors in need of minimal core credits to graduate, and update student inclusion rules for the credential attainment index.

**Title 28  
EDUCATION**

**Part XI. Accountability/Testing  
Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System  
Chapter 35. Inclusion of Alternative Education Schools and Students in Accountability  
§3503. Alternative Schools Including Alternative Charter Schools  
[Formerly LAC 28:LXXXIII.3503]**

A. - D.6,b ...

c. Students who are considered dropouts will be included in the calculation for the semester of drop out and earn 0 points. Calculations will follow the table below with the updated points starting in 2025-2026.

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7. - 7.b. ...

c. Points will be allocated according to the following table.

Number of Carnegie Units	Index Point Award
3.5 or more	150
3	125
2.5	100
2	75
1.5	50
1	25
0.5	0
Dropout	0

8. - 8.b. ...

c. Beginning in 2017-2018 (2016-2017 cohort) and through 2022-2023 (2021-2022 cohort), points will be assigned for each student according to the following table.

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d. Beginning in 2023-2024 (2022-2023 cohort) and beyond, points shall be assigned for each member of a cohort according to the following table.

Student Result	Points
HS Diploma plus: (a) Associate's Degree or (b) Fast Forward Apprenticeship Pathway (Advanced Plus) or (c) Statewide Advanced Plus Level III/IV Jump Start credential	175
HS Diploma plus: (a) At least 12 Board of Regents-recognized TOPS CORE College credit hours attained via dual enrollment, AP, CLEP, IB, or Cambridge or (b) Statewide Advanced Jump Start credential or Tech Diploma (TD)	150

Student Result	Points
HS Diploma plus: (a) At least 6 Board of Regents-recognized TOPS CORE College credit hours attained via dual enrollment, AP, CLEP or IB, or Cambridge or (b) Statewide Basic Jump Start credential or Certificate of Tech Studies (CTS)	125
Four-year graduate (includes Career Diploma student with a regional Jump Start credential)	100
Five-year graduate with any diploma *Five-year graduates who earn at least 12 Board of Regents-recognized TOPS CORE College credit hours attained via dual enrollment, AP, CLEP, IB, or Cambridge, or a Statewide Advanced Jump Start credential or Tech Diploma (TD) will generate 140 points. Five-year graduates who earn an Associate's Degree will generate 150 points.	75
Six-year graduate with any diploma	50
HiSET plus Jump Start credential	40
HiSET	25
Non-graduate without HiSET	0

NOTE: Students that begin the year in the eleventh grade and exit as a twelfth grader with a diploma and/or credential based on the table above will be included in both the numerator and denominator.

e. Students counted in the graduation cohort for the alternative education school will continue to be included in the school system cohort, not the sending school.

9. ...

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 29:2753 (December 2003), amended 31:423 (February 2005), LR 34:868 (May 2008), LR 35:1472 (August 2009), LR 37:2119 (July 2011), LR 37:3202 (November 2011), LR 38:1213 (May 2012), LR 39:472 (March 2013), LR 40:2240 (November 2014), LR 45:396 (March 2019), LR 47:449 (April 2021), LR 49:

#### 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 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 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 noon, December 10, 2022, to Shan N. Davis, 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 Shan 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  
Alternative Education**

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

There are no estimated costs or savings to state or local governmental units as a result of the proposed rule revisions.

The proposed rule revisions make three primary changes in the way points are awarded for alternative schools in accountability calculations. The revisions adjust the way points are awarded in the Dropout/Credit Accumulation index to allow points based on credits earned in a single semester, remove from the Core Credit Attainment Index seniors in need of minimal core credits to graduate, and update student inclusion rules for the credential attainment index.

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

There are no estimated effects on the revenue collections of state or local governmental units as a result of the proposed rule 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, small businesses, or non-governmental groups as a result of the proposed rule revisions.

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

There is no estimated effect on competition and employment as a result of the proposed rule revisions.

Beth Scioneaux  
Deputy Superintendent  
2211#041

Alan M. Boxberger  
Interim Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 119—Louisiana School Transportation  
Specifications and Procedures  
(LAC 28: CXIII.903, 1701, and 2305)

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 proposes to amend LAC 28: CXIII, Bulletin 119—*Louisiana School Transportation Specifications and Procedures*. The aforementioned revisions align BESE policy with legislation enacted by the 2022 Regular Legislative Session regarding school bus equipment usage, salary compensation calculation, and definitions of school bus types.

**Title 28  
EDUCATION**

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

**Chapter 9. Vehicle Operation  
§903. Loading and Unloading**

A. - A.1. ...

2. Amber and red Eight-Light Flashing Warning System. For buses equipped with an amber and red eight-light flashing warning system, drivers must activate the amber flashing lights at least 100 feet but not more than 500

feet before coming to a stop. Red flashing warning lights, stop signal arms, and the crossing control device must be activated when the bus is stopped and lights must continue flashing while children board, alight, and/or cross roadways.

B. - B.5. ...

C. Operations: Preparing to Safely Load or Unload Students

1. The bus driver must activate warning lights, stop signal arms, and the crossing control device after the bus has stopped and before students are permitted to board or alight from the bus. When traveling on undivided roadways, the Louisiana "School Bus Stop Law" (R.S. 32:80) requires drivers of vehicles meeting or overtaking school buses stopped on a highway for the purpose of loading or unloading students to stop the vehicle not less than 30 feet from the school bus when flashing warning lights and stop arms have been activated and to remain stopped until the signals have been deactivated and the bus has resumed motion. (Bus drivers must deactivate signals before resuming motion.)

C.2. - D.4. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:158, R.S. 17:160-161, R.S. 17:164-166, R.S. 32:80, and R.S. 32:318.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 25:835 (May 1999), amended LR 25:2169 (November 1999), LR 36:1470 (July 2010), LR 37:2123 (July 2011), LR 42:231 (February 2016), LR 49:

**Chapter 17. Compensation of School Bus Drivers  
§1701. Salary Compensation Based on School Bus  
Routes**

A. The term *route* shall apply to the combined total daily trips (or "runs") regularly assigned to the bus driver.

B. Bus routes are measured in terms of "paid mileage." Paid mileage for contract drivers begins when the first student is picked up and ends when the final student discharge destination or school is reached.

C. When one-way mileage differs in the afternoon from that of the morning route, the one-way mileage for the morning and afternoon is totaled and divided by two. The result is the average one-way mileage for that particular route.

D. The rate of compensation is determined in accordance with R.S. 17:497.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:158, R.S. 17:160-161, R.S. 17:164-166 and R.S. 17:497.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 25:633 (April 1999), amended LR 36:1475 (July 2010), LR 49:

**Chapter 23. Bus Body Standards for School Buses  
§2305. Definitions and Descriptions of School Bus Types**

A. School buses must meet both federal and state definitions.

1. Federal Definition. *School Bus*—a passenger motor vehicle designed to carry a driver and more than 10 passengers, which the Secretary of Transportation decides is likely to be used significantly to transport preprimary, primary, and secondary students to or from school or an event related to school.

2. State Definition. *School Bus*—every motor vehicle that is used to transport students to and from school or in connection with school activities, but not including a charter bus or transit bus.