STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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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 2803-2805 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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule revisions will have an effect on the employment of literacy coaches and geometry teachers. An estimated 400 literacy coaches will be needed for full implementation across the state.

Beth Scioneaux	Alan M. Boxberger
Deputy Superintendent	Interim Legislative Fiscal Officer
2211#047	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Teacher Preparation Program Entry
(LAC 28:CXXXI.528 and LAC 28:XLV.745)

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:CXXXI in Bulletin 746—*Louisiana Standards for State Certification of School Personnel* and LAC 28:XLV, Bulletin 996—*Standards for Approval of Teacher and/or Educational Leader Preparation Programs*. The aforementioned revisions relate to the availability of a provisional enrollment option for teacher candidates who do not meet the minimum grade point average requirement for entry into alternate preparation programs. Entry would be contingent upon a satisfactory personal interview and mastery of competencies as outlined.

Title 28
EDUCATION
Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel
Chapter 5. Teaching Credentials, Licenses, and Certifications
Subchapter B. Nonstandard Teaching Credentials
§528. Pre-Practitioner License

A. The pre-practitioner license is a temporary, non-renewable certificate issued in accordance with provisional admittance into an alternate certification program pursuant to LAC 28:XLV.

1. For certification purposes, non-university providers and colleges or universities will submit signed statements to the LDOE indicating that the student was provisionally admitted into the practitioner teacher, certification-only, or master's degree program alternative certification path and meets the following requirements:

a. minimum of a non-education baccalaureate degree from a college or university accredited in accordance with 34 CFR 602;

b. 2.50 or higher undergraduate grade point average (GPA) on a 4.00 scale to enter a non-university provider program; or a 2.20 or higher undergraduate GPA on a 4.00 scale to enter a college or university program; or be granted conditional admittance into an alternate teacher preparation program following a satisfactory personal interview by the program admission officer; and

c. passing scores on content area exam(s), or if no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program. See §303 of this part for exam requirements.

d. Special education mild/moderate certification candidates must qualify for admission to alternate programs by passing a Praxis specialty area exam, and secondary education candidates (grades 6-12) must pass a Praxis core subject area exam, or if there is no content Praxis exam adopted by the state in the specific secondary core subject area, candidates must demonstrate content mastery by presenting 30 semester credit hours in the core subject area.

2. The approved teacher preparation program provider shall submit the request for the pre-practitioner license directly to the LDOE.

3. Teacher candidates receiving mentoring while on the pre-practitioner license by a certified mentor in accordance with Sections 515, 553, and 1369 of this Part and completing all other certification requirements for issuance of the initial standard level teaching certificate may advance from the pre-practitioner license to the standard level teaching certificate.

4. Teacher candidates not receiving mentoring while on the pre-practitioner license by a certified mentor in accordance with Sections 515, 553, and 1369 of this Part must serve on the practitioner license and be mentored by a certified mentor for a year and meet all other certification requirements prior to advancing to the standard level teaching certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; 17:7(6), and 17:22(6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:

Title 28
EDUCATION
Part XLV. Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs
Chapter 7. Louisiana State Standards for Educator Preparation Programs
Subchapter C. Teacher Preparation Programs
§745. Minimum Requirements for Alternate Teacher Preparation Programs

A. - F.3. …

G. Beginning 6/1/2022, candidates may be provisionally enrolled into an alternate teacher preparation program provided teacher candidates meet the following requirements:

1. possess a non-education baccalaureate degree from a university accredited in accordance with 34 CFR 602;

2. meet minimum GPA requirements:

a. 2.50 or higher undergraduate grade point average (GPA) on a 4.00 scale to enter a non-university program;

b. 2.20 or higher undergraduate GPA on a 4.00 scale to enter a college or university program;

c. an applicant who does not meet the requirements of Subparagraph a or b of this Paragraph may be certified if the applicant meets the following requirements in an alternate teacher preparation program:

i. satisfactory completion of a personal interview by the program admissions officer;

ii. if the program awards credit hours, the applicant shall achieve a minimum grade point average (GPA) of 3.00 in alternate teacher preparation program

courses by the end of the first 12 credit hours and successfully complete the program;

iii. if the program does not award credit hours, the applicant shall demonstrate mastery of competencies as required by the program administrator and by the school system in which the applicant completes required clinical practice;

iv. satisfactory completion of all program requirements as set forth by BESE, including any requirements for clinical practice, at graduation;

3. pass the required content examinations or meet alternate requirements pursuant to Bulletin 746. If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area;

4. preparation provider informs teacher candidate of the risk of provisional enrollment; and

5. provisional admittance rules end at the conclusion of the 2023 legislative session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1331 (July 2017), amended LR 43:2492 (December 2017), LR 45:1751 (December 2019), LR 46:324 (March 2020), LR: 48:1274 (May 2022), 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? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the 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: Teacher Preparation Program Entry

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.

Act 244 of the 2022 Regular Legislative Session revised requirements for both entry into an educator preparation program and issuance of an educator credential. Flexibility regarding these requirements is required to permit continuation of current coursework, enrollment into programs, and eligibility for certification in order to address the current teacher shortage experienced by school systems statewide. The proposed rule revisions relate to the availability of a provisional enrollment option for teacher candidates who do not meet the minimum

grade point average requirement for entry into alternate preparation programs. The revisions would make entry into an alternate preparation program, and the associated issuance of a pre-practitioner license, without meeting the grade point average requirement contingent upon completion of a satisfactory personal interview and mastery of competencies as follows: if the program awards credit hours, the applicant shall achieve a minimum grade point average (GPA) of 3.00 in alternate teacher preparation program courses by the end of the first 12 credit hours and successfully complete the program; if the program does not award credit hours, the applicant shall demonstrate mastery of competencies as required by the program administrator and by the school system in which the applicant completes required clinical practice; and satisfactory completion of all program requirements as set forth by BESE, including any requirements for clinical practice, at graduation. These provisional admittance rules end at the conclusion of the 2023 legislative session.

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

The proposed rule revisions will not have a significant effect on revenue collections of state or local governmental units. Teacher candidates applying for a pre-practitioner license will need to pay a $25 application fee. Current estimates indicate that approximately 200 teacher candidates currently enrolled in preparation programs required grade point average flexibility for entry to the program. Whether those candidates will need to apply for a pre-practitioner license depends on the type of program, area of study, and candidate progress in the program. The provisional admittance rules end at the conclusion of the 2023 legislative session, so any anticipated effects will only impact FY 23 and FY 24.

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

Aspiring teachers who lack the required grade point average for entry to teacher preparation programs will have the opportunity to pursue education as a profession.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule revisions will continue the practice of allowing teacher candidates in need of grade point average flexibility to enter teacher preparation programs while maintaining the same standards for program exit.

Beth Scioneaux
Deputy Superintendent
2211#044

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Board of Architectural Examiners

Individuals Registered in Other States and
Dependents of Healthcare Professionals
(LAC 46:I.1103 and 1111)

Notice is hereby given that the Board of Architectural Examiners, in accordance with the provisions of R.S. 49:950 et seq., and through the authority granted in R.S. 37:144(C), proposes to amend LAC 46:I.1103(A) pertaining to individuals registered in other states and adopt LAC 46:I.1111 pertaining to dependents of healthcare professionals.

Act No. 279 of 2021, codified as R.S. 37:1751, pertains to licensure for dependents of healthcare professionals. The board seeks to comply with this Act by amending LAC 46:I.1103(A) and adopting LAC 46:I.1111. The proposed amendment to LAC 46:I.1103(A) will recognize that dependents of healthcare professionals may be exempted from the requirement of submitting an NCARB (blue cover) certificate to the board. The proposed adoption of LAC 46:I.1111 will require the board to issue a license, permit pending normal license, or registration to an applicant who is a dependent of a healthcare professional who has relocated to and established his legal residence in Louisiana, holds a valid license to provide healthcare services in Louisiana, and is providing healthcare services in Louisiana, who satisfies the requirements of Act 279 of 2021.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part I. Architects

Chapter 11. Licenses

§1103. Individuals Registered in Other States

A. The exclusive means for an individual registered in another state(s) seeking to be registered in Louisiana is the submission to the board of an NCARB (blue cover) certificate, except in the cases of:

1. military-trained architect applicants or architect spouses of military personnel who shall satisfy the requirements of R.S. 37:3651 and Rule §1109 below, and

2. dependents of healthcare professionals who shall satisfy the requirements of R.S. 37:1751 and Rule §1111 below.

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:563 (April 2003), amended LR 39:2737 (October 2013), LR 49:

§1111. Dependents of Healthcare Professionals

A. Pursuant to R.S. 37:1751, the board shall issue a license, permit pending normal license, or registration to an applicant who is a dependent of a healthcare professional who has relocated to and established his legal residence in Louisiana, holds a valid license to provide healthcare services in Louisiana, and is providing healthcare services in Louisiana in accordance with the following provisions:

1. If the applicant holds an out-of-state license in architecture from another state and licensure by endorsement or reciprocity is provided for by law, the applicant shall submit to the board an NCARB (blue cover) certificate as described in Rule §1103(A) *supra*. Upon finding the NCARB (blue cover) certificate in order and upon payment of a registration fee of $300, the board shall register and issue a license to said individual to practice architecture in this state.

2. If the applicant holds an out-of-state license in architecture from another state but licensure by endorsement or reciprocity is not provided for by law, licensure to practice architecture in Louisiana shall be granted by the submission to the board of proof of all of the following:

a. the applicant holds a current and valid occupational license in architecture;