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 2791-2803 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

funding provided to local districts through the Elementary and Secondary School Emergency Relief Fund (ESSER) to offset the cost of providing this instruction. Further, many of the students requiring interventions according to the proposed rule will qualify for the Steve Carter Literacy Program, which will provide up to $1,000 per student to cover the costs of literacy tutoring. LDOE is contributing $40 million from ESSER III funds over FY 22-23 and 23-24 to fund the Steve Carter Literacy Program. Additionally, the LDOE has compiled a tutoring vendor guide for districts who experience a shortage of qualified teachers and will provide additional guidance to assist in implementation.

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 change.

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

The earnings of teachers, school bus operators, and other school personnel who choose to participate in summer programming will increase as a result of this measure. Tutoring vendors may see an increase in contracted services as a result of this measure.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Teachers, school bus operators, and other school personnel who choose to participate in summer programming may experience increased opportunities for employment as a result of this measure. Tutoring vendors may see an increase in contracted services as a result of this measure.

Beth Scioneaux	Alan M. Boxberger
Deputy Superintendent	Interim Legislative Fiscal Officer
2211#045	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletins Regarding Administration of Educational Programs
(LAC 28:XXXV.103; LAC 28:XXXIX.700; LAC 28:XLV.743 and 745; LAC 28:LXXIX.1311 and 2120; LAC 28:CXV.325, 337, 517, 901, 915, 1303, 2305, 2307, 2319, 3305, and 3503; LAC 28:CXXXIX.4305; and LAC 28:CXLVII.305)

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:XXXV, *Bulletin 1903—Louisiana Handbook for Students with Dyslexia*, LAC 28:XXXIX, *Bulletin 1566—Pupil Progression Policies and Procedures*, LAC 28:XLV, *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs*, LAC 28:LXXIX, *Bulletin 741(Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*, LAC 28:CXV, *Bulletin 741—Louisiana Handbook for School Administrators,* LAC 28:CXXXIX, Bulletin 126—*Charter Schools,* and LAC 28:CXLVII, Bulletin 130—*Regulations for the Evaluation and Assessment of School Personnel.* The aforementioned revisions are in response to Acts of the 2022 Regular Session of the Louisiana Legislature. These Acts relate to the administration of educational programs and require revisions to policy regarding such programs. Local policy and procedures will need to be amended in accordance with statutory requirements.

Title 28
EDUCATION
Part XXXV. Bulletin 1903—Louisiana Handbook for Students with Dyslexia
Chapter 1. General Provisions
§103. Local Education Agency (LEA) Responsibilities

A. - B. …

C. No later than December 15 annually, LEAs shall report to the LDOE the numbers of students of all grade levels identified as dyslexic or exhibiting characteristics of dyslexia.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 392.1 and 392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:723 (June 2021), repromulgated LR 47:1287 (September 2021), LR 49:

Title 28
EDUCATION
Part XXXIX. Bulletin 1566—Pupil Progression Policies and Procedures
Chapter 7. Promotion and Support Policy
§700. Support Standard for Grades Kindergarten-3

A. Beginning with the 2022-2023 school year and every school year thereafter, each local education agency shall identify all students in kindergarten, first, second, and third grade who score below grade-level on the literacy screener.

B. - B.4. …

C. Beginning with the 2023-2024 school year, a student in grades kindergarten through three, within thirty days of being identified as having literacy skills that are below grade level based on the results of the literacy screener, shall receive an individual reading improvement plan. The plan shall be created by the teacher, principal, other pertinent school personnel, and the parent or legal guardian; describe the evidence-based reading intervention services the student will receive; and give suggestions for strategies parents can use at home.

1. The department may audit a random sampling of individual reading improvement plans in each local education agency.

D. The school shall provide mid-year and end-of-the-year updates to the parent or legal custodian of students identified in §700.A of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17.7; R.S. 17:24.4; and R.S. 14:24.10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1760 (July 2022), 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
§743. Minimum Requirements for Traditional Teacher Preparation Programs

A. A traditional teacher preparation program is a baccalaureate degree program that includes a minimum of 120 credit hours of coursework and required practice experiences. Beginning with the 2024-2025 school year, an approved teacher education program shall be no more than 120 credit hours unless designated by the Board of Regents as dual degrees or dual certifications. A portion of the total hours must include the minimum number of credit hours in the teaching of reading and literacy as follows:

1. - 4. ...

5. Beginning with the 2024-2025 school year, for all certification areas, candidates must spend three credit hours within the existing credit hour requirements engaged in coursework regarding teaching students with dyslexia, taught by a faculty member who has been provided specialized training in instructing teacher candidates on pedagogical methods for teaching students with dyslexia. The coursework shall include but need not be limited to the following:

a. an overview of the body of scientific work regarding dyslexia, including the history, epidemiology, and clinical presentation, including early clinical indicators of dyslexia and common, persistent classroom presentation;

b. an overview of evidence-based instruction for individuals with dyslexia including remediation of weaknesses, fortification of strengths, and common accommodations to help mediate between the two; and

c. an introduction to the process of becoming a dyslexia practitioner or dyslexia therapist, pursuant to R.S. 17:392.2.

B. - E.2. ...

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, and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017), amended LR 43:2492 (December 2017), LR 45:229 (February 2019), LR 48:1274 (May 2022), LR 48:1758 (July 2022), LR 48:

§745. Minimum Requirements for Alternate Teacher Preparation Programs

A. - B.4. ...

5. Beginning with the 2024-2025 school year, for all certification areas, candidates must spend three credit hours within the existing credit hour requirements, or 45 contact hours, engaged in coursework regarding teaching students with dyslexia, taught by a faculty member who has been provided specialized training in instructing teacher candidates on pedagogical methods for teaching students with dyslexia. The coursework shall include but need not be limited to the following:

a. an overview of the body of scientific work regarding dyslexia, including the history, epidemiology, and clinical presentation, including early clinical indicators of dyslexia and common, persistent classroom presentation;

b. an overview of evidence-based instruction for individuals with dyslexia including remediation of weaknesses, fortification of strengths, and common accommodations to help mediate between the two; and

c. an introduction to the process of becoming a dyslexia practitioner or dyslexia therapist, pursuant to R.S. 17:392.2.

C. - G.5. ...

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; and 17:7.2.

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 48:1759 (July 2022), LR 49:

Title 28
EDUCATION
Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators
Chapter 13. Preventive Programs
Subchapter B. Reopening School Facilities for the 2020-2021 School Year
§1311. Bullying

A. Policy. Each LEA shall develop and adopt a policy that prohibits the bullying of a student by another student.

1. The bullying policy shall be implemented in a manner that is ongoing throughout the year and integrated with a school's curriculum, a school's discipline policies, and other violence prevention efforts.

2. The policy shall contain the definition of bullying found in this Section and shall address the following:

a. behavior constituting bullying;

b. the effect the behavior has on others, including bystanders; and

c. the disciplinary and criminal consequences of bullying another student.

B. Training for School Personnel. Each LEA shall create a program to provide a minimum of four hours of training each year for new school employees who have contact with students, including bus drivers, with respect to bullying. The training shall be two hours each following year for all school employees who have contact with students and have received the four-hour training. The training shall specifically include the following:

1. how to recognize the behaviors defined as bullying;

2. how to identify students at each grade level who are most likely to become victims of bullying, while not excluding any student from protection from bullying;

3. how to use appropriate intervention and remediation techniques and procedures;

4. the procedures by which incidents of bullying are to be reported to school officials; and

5. information on suicide prevention, including the relationship between suicide risk factors and bullying.

C. Definition of Bullying

1. *Bullying* is defined as a pattern of one or more of the following behaviors:

a. gestures, including but not limited to obscene gestures and making faces;

b. written, electronic, or verbal communications, including but not limited to calling names, threatening harm, taunting, malicious teasing, or spreading untrue rumors;

c. physical acts, including but not limited to hitting, kicking, pushing, tripping, choking, damaging personal property, or unauthorized use of personal property; and

d. repeatedly and purposefully shunning or excluding from activities.

2. Behavior defined as bullying is exhibited toward a student, more than once, by another student or group of students and occurs, or is received by, a student while on school property, at a school-sponsored or school-related function or activity, in any school bus or van, at any designated school bus stop, in any other school or private vehicle used to transport students to and from schools, or any school-sponsored activity or event.

3. Bullying must have the effect of physically harming a student, placing the student in reasonable fear of physical harm, damaging a student's property, placing the student in reasonable fear of damage to the student's property, or must be sufficiently severe, persistent, and pervasive enough to either create an intimidating or threatening educational environment, have the effect of substantially interfering with a student's performance in school, or have the effect of substantially disrupting the orderly operation of the school.

D. Notice of Bullying Policy to students and parents. The LEA shall inform each student orally and in writing of the prohibition against the bullying of a student by another student, the nature and consequences of such actions, including the potential criminal consequences and loss of driver's license, and the proper process and procedure for reporting any incidents of bullying. A copy of the written notice shall also be delivered to each student's parent or legal guardian.

E. Reporting Incidents of Bullying. The LEA shall develop a procedure for the reporting of incidents of bullying using the bullying report form approved by BESE and available on the DOE website and the school website. The procedure shall include the following.

1. Students and Parents

a. Any student who believes that he or she is or has been the victim of bullying, or any student or parent or legal guardian, who witnesses bullying or has good reason to believe bullying is taking place, may report the bullying to a school official.

b. A student, or parent or guardian, may also report concerns regarding bullying to a teacher, counselor, other school employee, or to any parent chaperoning or supervising a school function or activity.

c. Any report of bullying shall remain confidential.

2. School Personnel and Chaperones. Any teacher, counselor, bus driver, or other school employee, whether full or part time, and any parent chaperoning or supervising a school function or activity, who witnesses or who learns of bullying of a student, shall report the incident to a school official. A verbal report shall be submitted by the school employee or parent on the same day as the school employee or parent witnessed or otherwise learned of the bullying incident, and a written report must be filed no later than two days thereafter.

3. Retaliation. Retaliation against any person who reports bullying in good faith, who is thought to have reported bullying, who files a complaint, or who otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited conduct and subject to disciplinary action.

4. False Reports. Making false reports about bullying to school officials is prohibited conduct and will result in disciplinary action.

F. Investigation Procedure. When a report of the bullying of a student by another student is received, the school shall conduct an investigation using the following procedure.

1. Timing. The investigation shall begin the next school day following the day on which the written report was received and shall be completed no later than 10 school days after receipt of the report. If additional information is received after the end of the 10-day period, the school official shall amend all documents and reports to reflect such information.

2. Parental Notification of Allegation of Bullying

a. Upon receiving a report of bullying, the school shall notify the parents or legal guardians of the alleged offender and the alleged victim no later than the following school day.

b. Under no circumstances shall the delivery of this notice to the parent or legal guardian, be the responsibility of an involved student. Delivery of notice by an involved student shall not constitute notice as is required by this Section.

c. Before any student under the age of 18 is interviewed, his parents or legal guardians shall be notified of the allegations made and shall have the opportunity to attend any interviews conducted with their child as part of the investigation. If, after three attempts in a 48-hour period, the parents or legal guardians of a student cannot be reached or do not respond, the student may be interviewed.

d. All meetings with the parents or legal guardians of an alleged victim or an alleged offender shall be in compliance with the following:

i. separate meetings with the parents or legal guardians of the alleged victim and the alleged offender;

ii. parents or legal guardians of the alleged victim and alleged offender must be notified of the potential consequences, penalties and counseling options.

e. In any case where a school official is authorized to require a parent or legal guardian of a student under the age of 18 to attend a conference or meeting regarding the student's behavior, and after notice willfully refuses to attend, the principal or designee shall file a complaint with a court of competent juvenile jurisdiction, pursuant to *Children's Code* article 730(8) and 731.

f. A principal or designee may file a complaint pursuant to *Children's Code* article 730(1) or any other applicable ground when, in his judgment, doing so is in the best interests of the student.

3. Scope

a. The investigation shall include documented interviews by the designated school official of the reporter, the alleged victim, the alleged offender, and any witnesses.

b. The school official shall collect and evaluate all facts using the bullying investigation form approved by BESE and available on the DOE website.

c. The school official shall obtain copies or photographs of any audio-visual evidence.

4. Documentation. At the conclusion of a bullying investigation, and after meeting with the parents or legal guardians, the school official or school board shall:

a. prepare a written report containing the findings of the investigation, including input from students' parents or legal guardians, and the decision by the school official or school system official. The document shall be placed in the school records of both students. If completed entirely, the bullying investigation form may serve as the report;

b. promptly notify the reporter/complainant of the findings of the investigation and whether remedial action has been taken, if such release of information does not violate the law;

c. keep reports/complaints and investigative reports confidential, except where disclosure is required by law;

d. maintain reports/complaints and investigative reports for three years;

e. provide a copy of any reports and investigative documents to the LEA, as necessary; and

f. provide a copy of any reports and investigative documents to the appropriate law enforcement officials, as applicable.

5. Disciplinary Action. If the school official has determined bullying has occurred, and after meeting with the parents or legal guardians of the students involved, the school official shall take prompt and appropriate disciplinary action against the offender and report criminal conduct to law enforcement, if appropriate.

6. LEA Reporting

a. The LEA shall electronically report all such documented incidences of bullying to the DOE using the DOE behavior report and incidence checklist to document the details of each reported incident of bullying.

7. Appeal

a. If the school official does not take timely and effective action, the student, parent, or school employee may report the bullying incident to the school board. The school board shall begin an investigation of any properly reported complaint of bullying no later than the next school day after the board receives the report.

b. If the school board does not take timely and effective action, the student, parent, or other school employee may report the bullying incident to the DOE. The DOE shall track the number of reports, shall notify the superintendent and the president of the LEA, and shall publish the number of reports by school district on its website.

8. Parental Relief. If four or more reports of separate incidents of bullying have been made, and no investigation has occurred, the parent or legal guardian of the alleged victim shall have the option to request that the student be transferred to another school operated by the LEA.

a. In order to exercise this option, the parent or legal guardian shall file a request with the superintendent of the LEA for the transfer of the student to another school under the LEA's jurisdiction.

b. The LEA shall make a seat available at another of its schools within 10 school days of receipt of the request for a transfer. If the LEA has no other school serving the grade level of the student, then within 15 school days of receipt of the request, the superintendent of the LEA shall:

i. inform the student and the student's parents or legal guardians and facilitate the student's enrollment in a statewide virtual school;

ii. offer the student placement in a full-time virtual program or virtual school under the jurisdiction of the LEA;

iii. enter into a memorandum of understanding with the superintendent of another LEA to secure a placement and provide for the transfer of the student to a school serving the grade level of the student, pursuant to R.S. 17:105 and 105.1.

c. If no seat or other placement is made available within 30 calendar days of the receipt of the request by the superintendent, the parent or legal guardian may request a hearing with the school board, which shall be public or private at the option of the parent or legal guardian. The school board shall grant the hearing at its next scheduled meeting or within 60 calendar days, whichever is sooner.

d. At the end of any school year, the parent or legal guardian may request that the LEA transfer the student back to the original school. The LEA shall make a seat available at the school.

G. Failure to Act.

1. Any teacher, counselor, bus operator, administrator, or other school employee, whether full-or part-time, who witnesses bullying or who receives a report of bullying from an alleged victim, and who fails to report the incident to a school official, shall be investigated by the school governing authority.

2. Any school administrator or official who fails do any of the following shall be investigated by the school governing authority:

a. notify a parent or legal guardian of a report of bullying;

b. investigate a report of bullying in a timely manner;

c. take prompt and appropriate disciplinary action against a student that was determined to have engaged in bullying; or

d. report criminal conduct to the appropriate law enforcement official.

3. Upon finding a reasonable expectation that the individual failed to act, the school governing authority shall suspend the individual without pay.

a. The length of the suspension shall be determined by the school governing authority based on the severity of the bullying inflicted on the victim.

b. The school governing authority shall report each finding of a failure to report bullying or to act on such a report to the LDE no later than August first annually, beginning with August 1, 2023.

c. The report shall include the length of suspension issued to each employee who failed to report or to act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.13.

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

Chapter 21. Curriculum and Instruction
Subchapter C. Secondary Schools
§2120. Credit Recovery

A. Credit recovery refers to instructional programs for students who have failed courses taken previously.

B. Schools may implement credit recovery programs.

1. Students may earn a maximum of seven credit recovery units applied towards diploma graduation requirements and no more than two Carnegie units annually. The school system must annually report to LDE the rationale for any student:

a. receiving more than two credit recovery credits annually; and/or

b. applying more than seven total credit recovery Carnegie units towards graduation requirements.

2. Students earning Carnegie credit in a credit recovery course must have previously taken and failed the course. Previously-attempted coursework is considered an academic record and must be recorded on the official transcript.

3. Completed credit recovery courses must be recorded and clearly labeled on the official transcript.

4. Students enrolled in credit recovery courses are not required to meet the instructional minute requirements found in §117.A of this Part.

5. Credit recovery courses taught in a classroom setting using online courses designed for credit recovery must be facilitated by a qualified teacher of record or a qualified teacher of record recognized through reciprocity agreement with the entity facilitating the instruction.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2348 (November 2009), amended LR 39:1447 (June 2013), LR 49

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 3. Operation and Administration
§325. Kindergarten and Prekindergarten

A. - D.2.…

E. Beginning with the 2023-2024 school year, each LEA shall work to develop a mixed-provider delivery model for full-day, year-round, high-quality prekindergarten instruction to each child residing within the boundaries of the school district and obtaining four years of age by September 30 of the year in which the child enrolls for prekindergarten, in accordance with the guidelines set forth in R.S. 17:24.8.

1. As used in this Section, the following words shall have the following meanings.

a. *Full-Day* means at least eight hours.

b. *Mixed Provider Delivery Model* means a program between the school board and one or both of the following:

i. Child care providers rated proficient and above on the most recent performance rating in accordance with LAC 28:CLXVII.509, operating and overseeing programs on school property, pursuant to an agreement with a city, parish, or other local public school board.

ii. Child care providers rated proficient and above on the most recent performance rating in accordance with LAC 28:CLXVII.509, operating and overseeing private child care within the boundaries of the school district with at least one infant and one toddler classroom and offering prekindergarten seats in the private program, pursuant to an agreement with a city, parish, or other local public school board.

c. *Year-Round* means for a full calendar year, excluding weekends and holidays, or 260 days a year.

2. Each LEA shall submit student data in the same manner as described in LAC 28:I.1107 for all students served through prekindergarten and early childhood programs offered by the school board, including the seats provided through the mixed provider delivery model.

3. No later than March 1, 2024, and annually thereafter by March 1, each LEA shall report to the LDOE the following information.

a. The distribution of seats among each school and quality rated child care provider.

b. Input from at least the majority of providers in the community network, including how the distribution of seats has impacted the stability of infant and toddler care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.8, R.S. 17:151.3, and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1260 (June 2005), amended LR 39:2196 (August 2013), LR 49:

§337. Written Policies and Procedures

A. - B.31. …

32. at least one hour of annual in-service training on recognizing adverse childhood experiences and the utilization of adverse childhood experience educational practices, provided on a day that other types of in-service training will be provided and including research-based information regarding the following:

a. the impact of adverse childhood experiences on student educational experiences and on the school and classroom culture;

b. how to identify the signs and symptoms of adverse childhood experiences;

c. best practices for schools and classrooms regarding adverse childhood experience considerations in education; and

d. recognition of the impact of secondary trauma on school employees.

33. check-in and check-out procedures for student attendance which shall be reviewed at least every three years;

34. annual completion by any school nurse, coach, athletic trainer, and athletic director, whether employed or serving as a volunteer, of sudden cardiac arrest education program;

35. provision for each high school senior who is at least seventeen years old to register to vote via electronic voter registration or mail-in form;

36. attendance policy for pregnant and parenting students regarding excused absences of a minimum of 10 days after the birth of a child, reasonable amount of time for completing missed assignments, accommodations for breastfeeding, and access to child care providers;

37. submission of a seizure management and treatment plan, duly documented and signed, for use when a student is at school or while participating in a school activity;

38. release of a minor into protective custody requiring the official to whom the minor is being released provides

information about the minor to include first and last name, address, and date of birth, unless custody is an arrest for which there is probable cause;

39. maintaining a supply of auto-injectable epinephrine in a secure location in each classroom assigned to a student deemed by a physician to be at high risk for anaphylactic reaction and incapable of self-administration of auto-injectable epinephrine, in accordance with R.S. 17:436.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(29), R.S. 17:81, R.S. 17:240, R.S. 17:100.8, 17:184, and R.S.17:437.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005), amended LR 33:429 (March 2007), LR 35:1101 (June 2009), LR 36:1224 (June 2010), LR 37:1141 (April 2011), LR 37:1380, 1380 (May 2011), LR 37:2134 (July 2011), LR 38:40, 41 (January 2012), LR 39:2197 (August 2013), LR 40:2530 (December 2014), LR 48:1273 (May 2022), LR 49:

Chapter 5. Personnel

§517. Acceptable Work Experience for Teacher Pay

A. - A.4.a. ...

5. Military

a. Credit for military service shall be in accordance with R.S. 17:423, and salary schedule placement shall be in accordance with R.S. 17:423.1.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:423; R.S. 17:424; R.S. 17:424.1; R.S. 17:424.2; R.S. 17:424.3, R.S. 17:423.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1267 (June 2005), LR 49:

Chapter 9. Scheduling

§901. Scheduling

A. - B.7. ...

8. The school counselor shall inform and assist students and their parents in the selection and scheduling of advanced courses and early college opportunities, such as dual enrollment, advanced placement, Cambridge, or international baccalaureate courses, as educational options.

C. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:175 ; R.S. 17:183.2; and R.S. 17:2926.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1271 (June 2005), amended LR 36:1498 (July 2010), LR 39:2204 (August 2013), LR 40:2522 (December 2014), LR 42:557 (April 2016), LR 43:2483 (December 2017), LR 46:1083 (August 2020) , amended LR 48:31 (January 2022), LR 49:

§915. Student Activities

A. - F.3. ...

G. A patriotic organization listed as a patriotic society in Title 36 of the United States Code may use any public school building or property for student participation in its activities at times other than instructional time during the school day.

1. The organization shall provide verbal or written notice to the school principal of its intent to speak to the students and shall submit proof of liability insurance for the organization.

2. The school principal shall provide verbal or written approval of the specific day and time for the organization to address the students.

3. The organization may speak with and recruit students during school hours for the purpose of informing students about the scholastic and civic benefits of participation in the organization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:176 and R.S. 17:2119.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1272 (June 2005), amended LR 39:2205 (August 2013), LR 49:

Chapter 13. Discipline

§1303. Bullying

A. Policy. Each LEA shall develop and adopt a policy that prohibits the bullying of a student by another student.

1. The bullying policy shall be implemented in a manner that is ongoing throughout the year and integrated with a school's curriculum, a school's discipline policies, and other violence prevention efforts.

A.2. - D. ...

E. Reporting Incidents of Bullying. The LEA shall develop a procedure for the reporting of incidents of bullying using the bullying report form approved by BESE and available on the DOE website and the website of each elementary and secondary school. The procedure shall include the following.

E.1. - F.4.d. ...

e. provide a copy of any reports and investigative documents to the LEA, as necessary; and

f. provide a copy of any reports and investigative documents to the appropriate law enforcement officials, as applicable.

E.5. - 8.d. ...

G. Failure to Act.

1. Any teacher, counselor, bus operator, administrator, or other school employee, whether full-or part-time, who witnesses bullying or who receives a report of bullying from an alleged victim, and who fails to report the incident to a school official, shall be investigated by the school governing authority.

2. Any school administrator or official who fails do any of the following shall be investigated by the school governing authority:

a. notify a parent or legal guardian of a report of bullying;

b. investigate a report of bullying in a timely manner;

c. take prompt and appropriate disciplinary action against a student that was determined to have engaged in bullying; or

d. report criminal conduct to the appropriate law enforcement official.

3. Upon finding a reasonable expectation that the individual failed to act, the school governing authority shall suspend the individual without pay.

a. The length of the suspension shall be determined by the school governing authority based on the severity of the bullying inflicted on the victim.

b. The school governing authority shall report each finding of a failure to report bullying or to act on such a report to the LDE no later than August first annually, beginning with August 1, 2023.

c. The report shall include the length of suspension issued to each employee who failed to report or to act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:415, R.S. 17:416, R.S. 17:416.13, and R.S. 17:416.14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:477 (March 2013), amended LR 39:3259 (December 2013), LR 49:

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2305. Ancillary Areas of Instruction

A. - F.4.a. …

G. Historical Programs. Each school shall hold an educational program pertaining to the United States Constitution on Constitution Day, September 17, of each year. The purpose of the program is to commemorate the September 17, 1787 signing of the Constitution. When September 17 falls on a Saturday, Sunday, or holiday, the Constitution Day program shall be held during the preceding or following week.

1. In conjunction with Constitution Day and Constitution Week, each public school governing authority shall observe Celebrate Freedom Week.

2. Students shall receive age and grade appropriate instruction on topics related to freedom, the nation's founding, and the intent, meaning, and importance of the Declaration of Independence, the U.S. Constitution, and the Bill of Rights.

H. - I. …

J. Adoption Awareness. Each LEA shall provide instruction on adoption awareness to all high school students that shall include:

1. the benefits to society;
2. types of adoption;
3. differences between foster care and infant adoption;
4. resources and agencies available for pregnant mothers, for parents, and to assist in the adoption process; and
5. statistical data on abortion, adoption, and childbirth.

K. Child Abuse and Assault Awareness and Prevention. Each LEA shall provide age- and grade-appropriate classroom instruction to all students relative to child assault awareness and prevention. Such instruction shall be limited to:

1. education on what constitutes abuse or an assault;
2. how students may safely and confidentially report to a school official the circumstances surrounding any such abuse or assault; and
3. how students may report abuse or assault to the child protection toll-free hotline operated by DCFS and where the number is found on the school website.
4. Each LEA shall annually report to the LDE a grade-level listing of each course that includes instruction on child abuse and assault awareness and prevention, and shall include verification of DCFS child protection toll-free hotline notification on LEA and school websites.

L. - M. …

N. Eating Disorder Awareness. Each public school LEA shall provide age and grade appropriate instruction regarding eating disorder awareness and prevention integrated into the curriculum of an existing required course.

O. Suicide, Safety, and Violence Education. An LEA offering a youth suicide prevention program shall include student safety, violence prevention, and social isolation prevention training via in-person, video, or a hybrid of both methods. Instruction shall include how to identify signs and signals of depression, suicide, and self-injury in themselves and peers, as well as the importance of seeking help and the process for reporting harmful or potentially harmful activity.

1. Each public school LEA shall provide a minimum of one hour or one class period of age and grade appropriate instruction to students in grades 6 through 12.
2. Instruction shall be evidence-based through high-quality research findings that show a statistically significant effect on relevant outcomes.
3. Strategies for social inclusion in the classroom and community shall be utilized and may include instruction in self-esteem and peer mediation.
4. A student shall be excused from any of the training upon written request of the parent or legal guardian.
5. For each school enrolling students in grades 6 through 12, the LEA shall allow the creation of a student-led and employee-advised club open to any member of the student population to develop and maintain awareness activities of this Subsection.

P. Water Safety. Each public school LEA shall provide age and grade appropriate instruction regarding water safety integrated into the curriculum of an existing required course, and shall include:

1. proper use of flotation devices;
2. awareness of water conditions and safe behaviors in and around water;
3. supervision and barriers/fencing in pool areas;
4. importance of formal swim lessons;
5. avoidance of alcohol and substance use during water activities; and
6. administering CPR to a drowning victim.

Q. Mental Health. Each public school LEA shall provide age and grade appropriate instruction to students in kindergarten through twelfth grade regarding preventative mental health measures including but not limited to:

1. proper diet, exercise, risk avoidance, and stress reduction;
2. the relationship between mental health and physical health as well as brain health and emotional health;
3. identifying trauma and stress and the impact on mental and physical health; and
4. resources and services available to assist people with mental health issues.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:81, 17:154, 17:261 et seq., 17:263, 17:270, 17:280, 17:281 et seq., 17:404, and17:405 et seq., and 36 USC 106.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1288 (June 2005), amended LR 33:2353 (November 2007), LR 39:2214 (August 2013), LR 39:3259 (December 2013), LR 40:2531 (December 2014), LR 44:1443 (August 2018), LR 44:1868 (October 2018), LR 45:36 (January 2019), LR 45:1746 (December 2019), amended LR 48:33 (January 2022), LR 49:

§2307. Literacy Assessment and Screener

A. Each LEA shall require that every child enrolled in kindergarten-third grade be given the BESE-approved literacy screener three times per school year: within the first 30 days of the school year, in December, and in April. The results of this screener shall be used to plan instruction and provide appropriate and timely intervention. The results of the screener will also provide information required by R.S. 17:24.9, student reading skills; requirements; reports.

1. Each student administered a literacy screener will be identified as reading below, at, or above grade level.

Students scoring above grade level may be considered for evaluation into a gifted program.

2. For students with significant hearing or visual impairment, nonverbal students, or students with significant cognitive impairment, the LEA will provide an alternate assessment recommended by the LDE.

3. Each LEA will report to the LDE screener results by child within the timeframes and according to the guidance established by the LDE.

4. For grades 1-3, the school should use the prior year's latest screener level to begin appropriate intervention until the new screener level is determined.

A.5. - A.5.c. ...

B. Each LEA shall administer the literacy screener provided by the LDE for each grade level to meet kindergarten-third grade literacy assessment requirements.

C. Beginning June 1, 2023, and triennially thereafter, each school shall use data from the literacy screener in order to develop and submit to LDE the school foundational literacy plan for students in kindergarten through third grade pursuant to R.S. 17:24.9.

C.1. - C.1.d. ...

D. Each LEA shall provide for literacy coaches for reading teachers in kindergarten through third grade for the purposes of providing on-site teacher training on evidence-based reading instruction, demonstrating lessons, co-teaching or observation, and providing feedback for improving instruction subject to the appropriation of funds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S.17:24.4; R.S. 17:24.9; and R.S.17:24.10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1289 (June 2005), amended LR 38:1224 (May 2012), LR 39:2214 (August 2013), LR 42:1878 (November 2016), LR 45:36 (January 2019), LR 48:1747 (July 2022), LR 49:

§2319. The Career Diploma

A. - B.7.d. ...

* * *

C. Minimum Course Requirements

1. The minimum course requirements for a career diploma for incoming freshmen in 2014-2015 through 2022-2023 shall be the following:

a. English—4 units:

i. one of the following:

(a). English I;

(b). English language part 1: Cambridge IGCSE; or

(c). English literature part 1: Cambridge IGCSE.

ii. one of the following:

(a). English II;

(b). English language part 2: Cambridge IGCSE; or

(c). English literature part 2: Cambridge IGCSE.

iii. the remaining units shall come from the following:

(a). technical writing;

(b). business English;

(c). English III;

(d). English language part 1: Cambridge AICE—AS (honors);

(e). literature in English part 1: Cambridge AICE—AS (honors);

(f). English IV;

(g). any AP or IB English course;

(h). English language part 2: Cambridge AICE—AS (honors);

(i). literature in English part 2: Cambridge AICE—AS (honors); or

(j). comparable Louisiana technical college courses offered by Jump Start regional teams as approved by BESE;

b. Mathematics—4 units:

i. Algebra I (1 unit), Applied Algebra I (1 unit), or Algebra I-Pt. 2 (the elective course Algebra I-Pt. 1 is a pre-requisite);

ii. The remaining units shall come from the following:

(a). geometry;

(b). financial literacy (formerly financial math);

(c). math essentials;

(d). Algebra II;

(e). advanced math-functions and statistics;

(f). advanced math - pre-calculus;

(g). Algebra III;

(h). pre-calculus;

(i). business math;

(j). probability and statistics; ~~or~~

(k). statistical reasoning;

(l). transition to college mathematics; or

(m). comparable Louisiana technical college courses offered by Jump Start regional teams as approved by BESE;

(n). Integrated Mathematics I, II, and III may be substituted for Algebra I, geometry, and Algebra II and shall count as three math credits;

(o). additional math—Cambridge IGCSE; or

(p). math 1 (pure math): Cambridge AICE—AS (honors);

c. Science 2 units:

i. 1 unit of biology;

ii. 1 unit from the following:

(a). Chemistry I;

(b). physical science

(c). earth science;

(d). Agriscience II;

NOTE: Agriscience I is a prerequisite for Agriscience II and is an elective course.

(e). environmental science;

(f). principles of engineering;

(g). any AP or IB science course PLTW principles of engineering;

(h). principles of engineering (LSU partnership);

(i). any AP or IB science course;

(j). physics I: Cambridge IGCSE;

(k). biology II: Cambridge AICE—AS (honors);

(l). chemistry II: AICE—AS (honors); or

(m). physics II: Cambridge AICE—AS (honors);

d. social studies 2 units:

i. 1 of the following:

(a). U.S. history;

(b). AP U.S. history;

(c). IB history of the Americas I;

ii. 1 unit of the following:

(a). civics;

(b). government;

(c). AP U.S. government and politics: comparative; or

(d). AP U.S. government and politics: United States;

e. Health Education—1/2 unit:

i. JROTC I and II may be used to meet the Health Education requirement. Refer to §2347.

f. Physical Education—1 1/2 units:

i. shall be Physical Education I and

ii. 1/2 unit from among the following:

(a). physical education II;

(b). marching band;

(c). extracurricular sports;

(d). cheering; or

(e). dance team;

iii. ROTC may be substituted;

iv. adaptive PE for eligible special education students may be substituted;

g. at least nine credits in the Jump Start course sequence, workplace experiences, and credentials;

i. Jump Start 1.0 course sequences will be available for incoming freshmen through 2020-2021; and

ii. Jump Start 2.0 course sequences will be available for incoming freshmen beginning in 2020-2021 and beyond;

h. Total—23 units.

2. The minimum course requirements for a career diploma for incoming freshmen in 2023-2024 and beyond shall be the following:

a - b.i. ...

ii. geometry or applied geometry;

iii. The remaining units shall come from the following:

(a). financial literacy (formerly financial math);

(b). math essentials;

(c). algebra II;

(d). advanced math-functions and statistics;

(e). advanced math pre-calculus;

(f). algebra III;

(g). pre-calculus;

(h). business math;

(i). probability and statistics;

(j). statistical reasoning;

(k). transition to college mathematics; or

(l) comparable Louisiana technical college courses offered by Jump Start regional teams as approved by BESE;

(m). integrated mathematics I, II, and III may be substituted for algebra I, geometry, and algebra II and shall count as three math credits;

(n). additional math—Cambridge IGCSE; or

(o). math 1 (pure math): Cambridge AICE—AS (honors);

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:1230 (July 2009), LR 35:1876 (September 2009), LR 35:2321 (November 2009), LR 35:2750 (December 2009), LR 36:1490 (July 2010), LR 37:548 (February 2011), LR 37:1130 (April 2011), LR 37:2130 (July 2011), LR 37:3197 (November 2011), LR 38:761 (March 2012), LR 38:1005 (April 2012), LR 40:2522 (December 2014), LR 41:1482 (August 2015), LR 41:2594 (December 2015), LR 42:232 (February 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2484 (December 2017), LR 44:1868 (October 2018), LR 45:1747 (December 2019), LR 46:557 (April 2020), LR 46:1086 (August 2020), LR 47:860 (July 2021), LR 48:39 (January 2022), repromulgated LR 48:1093 (April 2022), LR 49:

Chapter 33. Home Study Programs

§3305. Application Process

A. - C. ...

D. Within 30 days of initial approval of an application, denial of an application, or failure to receive an annual renewal application for a previously approved home study program, LDE shall provide notification of the child's legal name, date of birth, and physical residential address to the city, parish, or other local school system in which the child was most recently enrolled and, if different, the school system in which the child resides.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:236.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1312 (June 2005), amended LR 39:2229 (August 2013), LR 45:226 (February 2019), LR 49:

Chapter 35. Public School Enrollment Choice

§3503. Public High School Program of Choice

A. The governing authority of each public high school shall work to grow programs of choice as defined by R.S. 17:4035.2.

B. A student may enroll in a program of choice offered within the assigned school district, without regard to attendance zones, contingent upon the following:

1. the program of choice and the high school offering the program have available capacity at the appropriate grade level;

2. the program of choice is not offered at the public high school in which the student was most recently enrolled or would otherwise attend;

3. the enrollment of the student in the public school of choice does not violate an order of a court of competent jurisdiction; and

4. the student meets the published admission requirements, if any, of the program of choice.

C. The governing authority of each public high school shall include in the district policy regarding student transfers:

1. a definition of capacity for each program of choice;

2. admission requirements, if any, for each program of choice; and

3. the process for requesting BESE review of any denied request to transfer to a program of choice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:4035.1 and R.S. 17:4035.2.

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

Title 28
EDUCATION
Part CXXXIX. Bulletin 126—Charter Schools
Chapter 43. Discipline
§4305. Bullying

A. - D. ...

E. Reporting Incidents of Bullying. The charter school shall develop a procedure for the reporting of incidents of bullying using the bullying report form approved by charter school and available on the LDE website and the school website. The procedure shall include the following.

E.1. - F.4.d. ...

e. provide a copy of any reports and investigative documents to the charter school, as necessary~~.~~; and

f. provide a copy of any reports and investigative documents to the appropriate law enforcement officials, as applicable.

E.5. - 8.d. ...

G. Failure to Act

1. Any teacher, counselor, bus operator, administrator, or other school employee, whether full-or part-time, who witnesses bullying or who receives a report of bullying from an alleged victim, and who fails to report the incident to a school official, shall be investigated by the school governing authority.

2. Any school administrator or official who fails do any of the following shall be investigated by the school governing authority:

a. notify a parent or legal guardian of a report of bullying;

b. investigate a report of bullying in a timely manner;

c. take prompt and appropriate disciplinary action against a student that was determined to have engaged in bullying; or

d. report criminal conduct to the appropriate law enforcement official.

3. Upon finding a reasonable expectation that the individual failed to act, the school governing authority shall suspend the individual without pay.

a. The length of the suspension shall be determined by the school governing authority based on the severity of the bullying inflicted on the victim.

b. The school governing authority shall report each finding of a failure to report bullying or to act on such a report to the LDE no later than August 1 annually, beginning with August 1, 2023.

c. The report shall include the length of suspension issued to each employee who failed to report or to act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:415, R.S. 17:416, and R.S. 17:416.13.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1000 (April 2022), LR 49:

Title 28
EDUCATION
Part CXLVII. Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel
Chapter 3. Personnel Evaluation
§305. Measures of Growth in Student Learning—Learning Targets

A. - B. ...

C. Evaluators shall meet with each evaluatee for the purpose of discussing the student learning targets of each student. Student learning targets not discussed in a meeting between a person and the evaluator shall not be used in the evaluation of the person.

D. Teachers. A minimum of two student-learning targets shall be identified for each teacher. The department shall provide an evaluative tool for evaluators to use in assessing the quality and attainment of student learning targets.

1. State-approved common assessments shall be used as part of the body of evidence measuring students' attainment of learning targets, where available.

2. Where no state-approved common assessments are available, evaluatees and evaluators shall decide upon the appropriate assessment or assessments to measure students' attainment of learning targets.

3. LEAs may define consistent student learning targets across schools and classrooms for teachers with similar assignments, provided that they allow for ample flexibility to address the specific needs of students in each classroom.

4. ...

E. Principals and Administrators. A minimum of two student learning targets shall be identified for each administrator.

1. For principals, the LDE shall provide recommended targets to use in assessing the quality and attainment of both student learning targets, which will be based upon a review of "similar" schools. The LDE will annually publish the methodology for defining "similar" schools.

2. For principals, at least one learning target shall be based on overall school performance improvement in the current school year, as measured by the school performance score.

a. for the 2020-2021 academic year only, overall school performance improvement may be measured by the school performance score or by formative assessment data.

3. For principals, at least one learning target shall be based on growth in a component (e.g., ELA or math improvement) of school performance score.

a. for the 2020-2021 academic year only, overall school performance improvement may be measured by the school performance score or by formative assessment data.

4. Principals at schools with special populations (e.g. alternative schools) or those that do not have grades with standardized testing and available value-added data (e.g., K-2 schools) may define learning targets based on LDE guidance.

F. The department shall provide annual updates to LEAs relating to:

1. the expansion of state-standardized testing and the availability of value-added data, as applicable;

2. the expansion of state-approved common assessments to be used to build to bodies of evidence for student learning where the value-added model is not available; and

3. the revision of state-approved tools to be used in evaluating student learning targets.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1216 (May 2012),

amended LR 38:2359 (September 2012), LR 39:1273 (May 2013), LR 41:1267 (July 2015), LR 47:354 (March 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? 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 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: Revisions to Bulletins Regarding Administration of Educational Programs

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

The proposed rule revisions align BESE policy with legislation enacted during the 2022 Regular Legislative Session.

Revisions to LAC 28:LXXIX.1311, LAC 28:CXXXIX.4305 and 2101, LAC 28:CXLVII.305, and LAC 28:CXV.1303 may require revisions to local policy regarding bullying, credit recovery, and pre-evaluation conferences and could result in additional costs for training or development. Those costs are indeterminable and are predicted to be minimal.

Revisions to LAC 28:XXXV.103 require the reporting of the number of students with dyslexia or characteristics of dyslexia. Schools are already able to report this data through the fall reading data submission process. There are no anticipated costs to state or local governmental units related to the implementation of this requirement.

Revisions to LAC 28:XLV.743 and 745 require that teacher candidates receive three credit hours, or forty-five contact hours for alternate programs that do not award credit hours, regarding teaching students with dyslexia. Further, approved teacher preparation programs may not require more than 120 credit hours unless designated by the Board of Regents as dual degrees or dual certifications. There will be an increase in expenditures for certain postsecondary education institutions to incorporate the required course into teacher certification programs and to train existing faculty to teach the course; however, these costs are indeterminable as implementation will vary by institution and program.

Revisions to LAC 28:XXXIX.700 require that students identified as reading below grade level receive an individual reading improvement plan outlining interventions that will be delivered at school and suggestions for how parents can support learning at home. There are no anticipated costs to state or local governmental units related to the implementation of this requirement.

Revisions to LAC 28:CXV.325 require that school districts work to develop a mixed-provider delivery model to offer pre-kindergarten instruction. There is no anticipated direct material effect on state expenditures as a result of the proposed legislation. There may be costs to local school boards to work to develop a mixed delivery model for pre-kindergarten instruction; however, such costs are indeterminable.

Revisions to LAC 28:CXV.337 require that school districts develop written policies and procedures regarding minors taken into protective custody from schools; check-out procedures; instruction regarding cardiac health; the provision of an opportunity to register to vote for high school seniors; attendance, breastfeeding, and child care for students who are pregnant or parenting; treatment of and training regarding students with a seizure disorder; and storing auto-injectable epinephrine in the classrooms of certain students. Further, technical updates to language describing required training on adverse childhood experiences are also a part of the revisions to this Section. Estimated implementation costs associated with these revisions include:

Increased costs for the LDOE to the extent it contracts with a vendor to develop a sudden cardiac arrest education program; however, there will not be increased state costs if the state utilizes existing, freely available training courses. There may be increased local costs for school boards if these boards pay staff for the time spent taking these courses; however, this is indeterminable.

Increased costs for the LDOE to the extent it contracts with a vendor to develop training courses on treating students with seizure disorders; however, there will not be increased state costs if the state utilizes existing, freely available training courses. There may be increased local costs for school boards if these school boards pay staff for the time spent taking these courses; however, this is indeterminable.

There may be increased statutory dedications expenditures from the LA Early Childhood Education Fund to the extent the LDOE incurs costs to create and implement pilot programs that integrate adverse childhood experience education and family outreach into early childhood education; however, the LDOE anticipates any tasks would be absorbed utilizing existing staff and resources.

Revisions to LAC 28:CXV.517 require that school districts compensate employees returning from military service in accordance with R.S. 17:423.1. The cost of the step increase will depend upon the type of position and the level in the salary schedule at which the employee is placed. There may be an increase in local school district salary costs to increase the salary schedule step of any current teacher whose employment was interrupted by military service subsequent to the Vietnam War and who did not benefit from the protections of the Military Service Relief Act passed in 1991; however, any such increase is indeterminable.

Revisions to LAC 28:CXV.901 require that school counselors advise students and their parents on the option to schedule advanced courses. There are no anticipated costs to state or local governmental units related to the implementation of this requirement.

Revisions to LAC 28:CXV.915 outline procedures by which certain patriotic organizations may schedule the use of school buildings and opportunities for their representatives to speak to and recruit students. There are no anticipated costs to state or local governmental units related to the implementation of this requirement.

Revisions to LAC 28:CXV.2305 require student instruction regarding the observation of Celebrate Freedom Week, adoption awareness, eating disorders, suicide prevention and safety, water safety, and mental health. Estimated implementation costs associated with these revisions include:

The proposed ule revisions may lead to increased workloads and result in nominal costs associated with creating and adapting instructional materials to provide for the observance of "Celebrate Freedom Week"; however, any increased workload is not expected to be significant.

LDOE reports it has identified no-cost and low-cost evidence-based training providers for students regarding student safety, violence and social isolation prevention, and suicide prevention and will post those resources to the LDOE website. The proposed rule revisions may lead to an additional workload for public schools associated with allowing the creation of student-led suicide prevention clubs; however, any costs associated with this are indeterminable.

There may be an additional workload to local school districts to provide required water safety instruction; however, any associated costs are expected to be minimal, as the instruction will be integrated into the existing curriculum.

There may be minor workload increases to public school governing authorities to submit a list of courses that include instruction on child assault awareness and prevention and a link to the authority's webpage containing the toll-free hotline, but any associated expenses will be negligible.

Revisions to LAC 28:CXV.2307 update terminology and require that literacy coaches be available for on-site teacher training for reading teachers in kindergarten through third grade. There will be significant costs to local school districts to provide literacy coaches for onsite teacher training. Partial federal funding has been allocated for the literacy coach program through FY 25; however, this funding does not cover the anticipated total costs, and without additional state funding, these costs will be the responsibility of the local school districts. If no future allocations are made by FY 25, the total cost of the program will be the responsibility of the local school districts.

Revisions to LAC 28:CXV.3305 require that LDOE provide notification of student enrollment in a home study program to the city, parish, or other local school system in which the child was most recently enrolled and, if different, the school system in which the child resides. There are no anticipated costs to state or local governmental units related to the implementation of this requirement.

Revisions to LAC 28:CXV.3503 provide that a student may enroll in a program of choice offered within the assigned school district without regard to attendance zones, contingent upon certain conditions. Local school districts may incur additional costs for transportation of students enrolling in programs of choice at a high school other than the one for which they are zoned.

Revisions to LAC 28:CXV.2319 add geometry to the list of required courses for students pursuing a career diploma.

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)

Teacher preparation programs will need to structure existing course requirements to include the required training on dyslexia and ensure that a faculty member is qualified to provide such instruction. Some preparation providers already employ faculty members with the required training. The cost of providing additional training will vary based on the needs and decisions of the preparation provider. There will be a benefit to vendors if schools opt to enter contracts to develop training courses on treating students with seizure disorders or to develop a sudden cardiac arrest education program.

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