



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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December 11, 2023

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, 2023, Notice of Intent that was promulgated on pages 1950-1952 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, 2024, 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)

Shan N. Davis
Executive Director

Cade Brumley
State Superintendent

- c: Lily Dugas, Secretary, Senate Committee on Education
Elizabeth Borne, Legislative Analyst, House Committee on Education
Lisa Lovello, Legislative Analyst, House Committee on Education
Ashley Townsend, Policy Director, Louisiana Department of Education
Shan N. Davis, Executive Director, BESE
Kevin Calbert, Communications Manager, BESE

LDE reports the development of rubrics to assess mastery of standards in each subject through a portfolio of entries would require the work of Teacher Leader Advisors (TLAs), who complete tasks in areas of expertise through contracts for different types of deliverables. Based on LDE estimates, it could cost approximately \$76,600 for the project management and the TLA contracts to develop items for each standard. Internal review of the items would be absorbed by existing staff. LDE further reports the auditing of schools outside of the 3% limit would require an additional Education Program Consultant 3 position. Beginning in FY 24, the cost for this position would be \$119,503.19 (\$104,414.50 salary and \$15,088.69 related benefits). Finally, LDE reports scoring of portfolios during the year subsequent to audit findings of a school with more than the allowable number of diplomas issued would require the work of contracted reviewers and is estimated at \$150 per review (in this case, per subject) based on similar work. This total cost would depend on the number of portfolios submitted during the year following the finding of discrepancies in appeals process implementation.

The already established School Building Level Committee (SBLC) and the Local Education Agency (LEA) head, will score portfolios with a standardized rubric, which will be subject to an annual audit. The SBLC is currently doing much of this work; therefore, the proposed rule change should not increase costs for the local school districts.

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

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

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

The proposed rule change will benefit certain high school seniors by allowing students to graduate via an alternate portfolio approach. Some students may graduate on time despite not meeting the LEAP 2025 assessment requirements for graduation. In years prior to COVID, approximately 5% to 7% of public-school students did not meet graduation requirements. This policy change will allow these students to demonstrate the fulfillment of the same course proficiency standards as currently proven via standardized assessments, through an appeal in which the portfolio will serve as a substitute in verifying course competency.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Data from the US Bureau of Labor Statistics reveals that 41.9% of high school dropouts are engaged in work or looking for work compared to 69.2% of high school graduates. Data on high school graduates in Texas who utilized the state's appeal process show they have employment rates that are statistically

indistinguishable from national data on high school graduates. The assumption is that Louisiana can expect similar results for students who graduate using this new appeals process. The median weekly wage of a high school dropout is \$626 compared to \$809 for an individual with a high school diploma. Additionally, because the appeal has an employability component, we can expect a greater number of students graduating with an industry-based credential that is aligned with regional and statewide workforce needs.

Shan N. Davis
Executive Director
2311#052

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—English Language Proficiency Test Connect Cut Scores (LAC 28:XI.7311)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:XI.7311 in Bulletin 118—*Statewide Assessment Standards and Practices*. The proposed revisions set forth the alternative assessment English Language Proficiency Test (ELPT) Connect cut scores for English learners with significant cognitive disabilities.

Title 28 EDUCATION

Part XI. Accountability/Testing

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 73. English Language Proficiency Test (ELPT)

Subchapter D. Performance Levels and Proficiency Standards

[Formerly LAC 28:CXI.2311]

§7311. Proficiency Standards

A. Performance standards for English proficiency in listening, speaking, reading, and writing tests are finalized in scaled-score form. The scaled-score ranges vary per grade and grade band.

1. ELPT Performance Standards Cut Scores

ELPT Performance Standards Cut Scores					
Domain	Performance Standard Level 1	Performance Standard Level 2	Performance Standard Level 3	Performance Standard Level 4	Performance Standard Level 5
* * *					

2. ELPT Connect Performance Standards Cut Scores

ELPT Connect Performance Standards Cut Scores				
Domain	Performance Standard Level 1	Performance Standards Level 2	Performance Standards Level 3	Performance Standards Level 4
Kindergarten				
Listening	61 or below	62-70	71-82	83-99
Speaking	73 or below	74-83	84-91	92-99
Reading	61 or below	62-70	71-82	83-99

ELPT Connect Performance Standards Cut Scores				
Domain	Performance Standard Level 1	Performance Standards Level 2	Performance Standards Level 3	Performance Standards Level 4
Writing	73 or below	74-83	84-91	92-99
Grade One				
Listening	56 or below	57-64	65-83	84-99
Speaking	67 or below	68-82	83-94	95-99
Reading	56 or below	57-64	65-83	84-99
Writing	67 or below	68-82	83-94	95-99
Grade Two				
Listening	50 or below	51-60	61-79	80-99
Speaking	61 or below	62-80	81-87	88-99
Reading	50 or below	51-60	61-79	80-99
Writing	61 or below	62-80	81-87	88-99
Grade Three				
Listening	55 or below	56-65	66-82	83-99
Speaking	66 or below	67-83	84-89	90-99
Reading	55 or below	56-65	66-82	83-99
Writing	66 or below	67-83	84-89	90-99
Grade Four				
Listening	38 or below	39-51	52-83	84-99
Speaking	41 or below	42-72	73-80	81-99
Reading	38 or below	39-51	52-83	84-99
Writing	41 or below	42-72	73-80	81-99
Grade Five				
Listening	44 or below	45-57	58-86	87-99
Speaking	48 or below	49-77	78-84	85-99
Reading	44 or below	45-57	58-86	87-99
Writing	48 or below	49-77	78-84	85-99
Grade Six				
Listening	33 or below	34-42	43-79	80-99
Speaking	41 or below	42-64	65-83	84-99
Reading	33 or below	34-42	43-79	80-99
Writing	41 or below	42-64	65-83	84-99
Grade Seven				
Listening	34 or below	35-44	45-80	81-99
Speaking	42 or below	43-66	67-84	85-99
Reading	34 or below	35-44	45-80	81-99
Writing	42 or below	43-66	67-84	85-99
Grade Eight				
Listening	35 or below	36-45	46-80	81-99
Speaking	44 or below	45-67	68-85	86-99
Reading	35 or below	36-45	46-80	81-99
Writing	44 or below	45-67	68-85	86-99
Grade Nine-Twelve				
Listening	35 or below	36-46	47-82	83-99
Speaking	49 or below	50-67	68-76	77-99
Reading	35 or below	36-46	47-82	83-99
Writing	49 or below	50-67	68-76	77-99

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:260 (February 2007), amended LR 34:2556 (December 2008), repromulgated LR 35:61 (January 2009), LR 44:474 (March 2018), LR 46:16 (January 2020), LR 50:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

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

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

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

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in 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, 2023, 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: English Language Proficiency Test Connect Cut Scores

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule changes to LAC 28:XI. Bulletin 118—Statewide Assessment Standards and Practices. The proposed change sets forth the alternative assessment English Language Proficiency Test (ELPT) Connect cut scores for English learners with significant cognitive disabilities.

In the 2022-2023 school year, Louisiana administered the first alternate assessment for the English Language Proficiency Test designed for English learners with significant cognitive disabilities. Louisiana is one of nine states that are members of the Collaborative for the Alternate Assessment of English Language Proficiency (CAAELP), a federally funded, four-year project (2019-2023) in collaboration with the Iowa Department of Education and the National Center for Research on Evaluation, Standards, and Student Testing (CRESST) at the University of California, Los Angeles (UCLA).

Performance standards and cut scores, based on first-year operational administration student data, were developed from reviews and recommendations of the CAAELP Consortium Collaborative Council, including representatives from the Louisiana Department of Education (LDE) Office of Assessments, Accountability, and Analytics.

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

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

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

The proposed rule change will not result in costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Beth Scioneaux
Deputy Superintendent
2311#053

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Regents

Meeting Accessibility and Accommodations
(LAC 28:IX.Chapter 7)

The Louisiana Board of Regents proposes to adopt LAC 28:IX.701 through 709 as authorized by Act 393 of the 2023 Regular Session of the Louisiana Legislature. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. The Louisiana Board of Regents proposes to adopt Chapter 7 of Part IX of Title 28 of the Louisiana Administrative Code, to implement the provisions of Act 393 of the 2023 Regular