



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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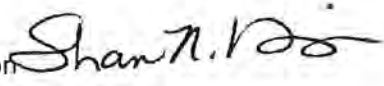
Thomas Roque
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December 18, 2023

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

The Board has received one (1) public comment and has not conducted a hearing pursuant to R.S. 49:953(A)(2)(a).

The Louisiana State Board of Elementary and Secondary Education met in regular session on December 13, 2023, and took the following action:

On motion of Mr. Castille, seconded by Dr. Davis, the Board:

1. received the SPCAR regarding revisions to Bulletin 135, *Health and Safety*;
2. authorized BESE staff to submit the summary report to the Legislative Oversight Committees; and
3. directed BESE staff to proceed with the final adoption of the October 20, 2023, Notice of Intent regarding revisions to Bulletin 135, *Health and Safety*, with the submission of the final Rule in the February 2024 edition of the *Louisiana Register*.

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 will proceed with the adoption of the Notice of Intent as a final Rule in the February 20, 2024, issue of the *Louisiana Register*.

The following documents are attached:

1. A copy of the Notice of Intent;
2. Summary of Public Comments and Agency Response; and
3. Public comment from Mr. Evan Alvarez, American Heart Association, dated November 1, 2023.

Shan N. Davis
Executive Director

Cade Brumley
State Superintendent

Please contact Erin LeBlanc at (225) 342-5841 if the Board may be of any assistance to you concerning this Rule.

SND:ell

Attachments (3)

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

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, November 9, 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: Associate Teacher Program

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

The proposed rule revisions set forth the requirements regarding the implementation of the associate teacher program established by Act 99 of the 2023 Regular Legislative Session. The program allows for individuals who possess an associate's degree, who are at least 25 years of age, and meet other requirements outlined by law, to work as teachers in the content area related to his or her associate's degree, for no more than five years.

There are no anticipated implementation costs or savings to state governmental units due to the proposed rule revisions. The Louisiana Department of Education (LDOE) reports there will be no impact on expenditures at the department level. The program will require enhancements to the current LDOE data system to collect relevant staffing data; however, that cost is already covered by an existing contract.

Local education agencies (LEAs) opting to participate in the program may see a decrease in expenditures as the salary of program participants is capped at 75 percent of the average classroom teacher salary of the employing school system. Up to 10 percent of the teaching staff in a school district can be program participants. LEAs may see a minimal increase in expenditures associated with required criminal history record checks for participants. The LFO estimates that a single criminal history record check will cost \$54.25, composed of a \$13.25 federal background check fee, a \$26 state background check fee, a \$10 vendor fingerprinting fee, and a \$5 sheriff's technology fee. LEAs would also be responsible for \$2,000

stipend payments to mentor teachers who may be assigned to participants, subject to appropriation of funds for that purpose. All of these impacts are dependent on the extent to which an LEA opts to participate in the program.

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

The proposed rule revisions will not have a determinable 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 revisions will provide individuals holding an associate's degree who are interested in becoming a teacher a means to work in the school setting, making 75% of the average teacher salary in the school district. This represents a potential increase in quality of life and family income for these individuals as well as giving them the opportunity to gain teaching experience. Employers will have an additional route to explore in filling classroom vacancies with individuals who can provide stability for students.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule revisions provide an additional route by which schools may employ individuals who wish to become educators, effective through December 31, 2033. The proposed rule revisions will provide LEAs who opt to participate in the program the opportunity to address teacher shortages by expanding the pool of qualified candidates. This expansion may also lead to increased competition for teaching positions.

Beth Scioneaux
Deputy Superintendent
2310#028

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

School Administration and Safety
(LAC 28:LXXIX.107, 125, 1309, 1901; CXIII.903;
CXV.337, 339, 504, 511, 915, 1103, 1127, 1315, 2305,
2317, 2367; CXXXIX.4003 and CLVII.509)

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:LXXIX. *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*; LAC 28:CXIII. *Bulletin 119—Louisiana School Transportation Specifications and Procedures*; LAC 28:CXV. *Bulletin 741—Louisiana Handbook for School Administrators*; LAC 28:CXXXIX. *Bulletin 126—Charter Schools*, and LAC 28:CLVII. *Bulletin 135—Health and Safety*. The aforementioned revisions in LAC 28:LXXIX. *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators* set forth additional requirements regarding school accreditation, suicide prevention, transportation, and the repeal of teaching authorization requirements. The aforementioned revisions in LAC 28:CXIII. *Bulletin 119—Louisiana School Transportation Specifications and Procedures* implement additional requirements regarding the safe loading and unloading of students from buses and during carpool in elementary schools. The aforementioned revisions in LAC 28:CXV. *Bulletin 741—Louisiana Handbook for School*

Administrators set forth requirements regarding implementation of crisis management and response plans, display of the national motto, carpool and bus line procedures, recess time requirements, student absences regarding mental health, restrictions on corporal punishment, instruction on organ donation, updates to the community service diploma endorsement, numeracy professional development, and inclusion of a Bible literature elective course. Additionally, the aforementioned revisions repeal teaching authorization requirements. The aforementioned revisions in LAC 28:CXXXIX. *Bulletin 126—Charter Schools* establish the applicability of state laws to charter schools regarding instruction on organ donation, Bible literature elective course, and bus and carpool safety. Finally, the aforementioned revisions in LAC 28:CLVII. *Bulletin 135—Health and Safety* require that schools have an Automated External Defibrillator (AED) on the premises and set forth the requirements regarding implementation of cardiac emergency response plans.

Title 28

EDUCATION

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

Chapter 1. Operation and Administration

§107. School Approval

A. - D. ...

E. Classification Categories. Schools shall be classified according to the following categories:

1. *approved* (A)—school meets all standards specified for approval of nonpublic schools. There shall be two types of approved schools:

a. *accredited approved school*—school is currently accredited by:

- i. the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC);
- ii. a member of the National Association of Independent Schools (NAIS);
- iii. the diocese or archdiocese in which the school is located; or
- iv. Cognia.
- v. The LDOE may also accept accreditation from other school accreditation agencies, but may require that the school submit additional information or documentation to ensure consistent quality.

vi. The school meets all other criteria for BESE approval in accordance with this Part.

E.1.b. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:4021.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2342 (November 2003), amended LR 31:3073 (December 2005), LR 36:2847 (December 2010), LR 37:2145 (July 2011), LR 39:306 (February 2013), LR 39:1438 (June 2013), LR 39:3070 (November 2013), LR 50:

§125. Teaching Authorization

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2132 (December 2018), repromulgated LR 45:38 (January 2019), repealed LR 50:

Chapter 13. Preventive Programs

§1309. Suicide Prevention

A. - A.7. ...

B. The governing authority of each public secondary school that issues student identification cards shall have printed on the cards and shall have posted on the school website the following information:

1. - 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, 17:411, and 17:437.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:38 (January 2019), amended LR 45:1055 (August 2019), amended LR 45:1747 (December 2019), LR 50:

Chapter 19. Support Services

§1901. Transportation

A. ...

B. When bus transportation is provided by a city, parish, or other local public school board, the nonpublic school shall establish written policies regarding carpool and bus line procedures in accordance with LAC 28:CXIII.903. (*Bulletin 119*).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:158(C), (D), and (H), R.S. 17:391.1-391.10, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2349 (November 2003), amended LR 31:3079 (December 2005), LR 39:1443 (June 2013), LR 50:

Part CXIII. Bulletin 119—Louisiana School

Transportation Specifications and Procedures

Chapter 9. Vehicle Operation

§903. Loading and Unloading

A. - C.4. ...

D. Operations: Safe Bus Loading and Unloading Students

1. ...

2. The bus driver should be especially watchful for clothing, book bags, or other carry-on items that could be caught in the handrail or the bus door, thereby possibly causing student injury. The bus driver should always scan the area around the bus door before placing the bus in motion.

3. During loading of students, the following are required:

a. Students shall remain a safe distance from the loading area in a designated location appropriate for the particular school building. A material or immaterial boundary intended to block passage shall define the area.

b. Students shall remain in the loading area until the bus comes to a complete stop.

c. The bus driver must allow all passengers to reach their respective seats before placing the bus in motion after passengers have boarded the bus.

4. ...

5. Signage shall be prominently posted with bus and carpool loading and unloading policy at any school that includes kindergarten through fifth grades.

E. Operations: Safe Carpool Loading and Unloading Students

1. Students shall remain a safe distance from the loading area in a designated location appropriate for the particular school building. A material or immaterial boundary intended to block passage shall define the area.

2. Students shall remain in the loading area until vehicles come to a complete stop.

3. Kindergarten through third grade students shall be accompanied by school personnel when walking to and from vehicles.

4. Students shall remain in appropriate passenger restraint until the vehicle comes to a complete stop prior to exiting the vehicle.

5. Signage shall be prominently posted with bus and carpool loading and unloading policy at any school that includes kindergarten through fifth grades.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:835 (May 1999), amended LR 25:2169 (November 1999), LR 36:1470 (July 2010), LR 37:2123 (July 2011), LR 42:231 (February 2016), LR 50:243 (February 2023), LR 50:

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 3. Operation and Administration

§337. Written Policies and Procedures

A. - B.39. ...

40. 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;

41. display of the national motto in each classroom in each school under its jurisdiction in accordance with R.S. 17:262;

42. carpool and bus line procedures in accordance with LAC 28:XXIII.903 (*Bulletin 119*).

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 50:33 (January 2023), LR 50:250 (February 2023), repromulgated LR 50:855 (May 2023), LR 50:

§339. Emergency Planning and Procedures

A. Each public school principal or school leader shall have a crisis management and response plan developed jointly with local law enforcement, fire, public safety, and emergency preparedness officials, that addresses the immediate response to emergency situations that may develop in schools. The plan shall seek to utilize resources and information available through the Louisiana Commission on School and Nonprofit Security. The principal or school leader shall:

1. submit the crisis management and response plan to the local superintendent, the LDOE, and the Center for Safe Schools within the Governor's Office of Homeland Security and Emergency Preparedness;

2. annually review the crisis management and response plan, revising as necessary;

a. When preparing or revising the plan, consult with the district threat assessment team. The principal and the threat assessment team shall determine whether to consider input from students enrolled in the school and their parents, faculty and staff, and community leaders. The principal of a high school shall seek and consider input from the students enrolled in the school who shall be represented by either the president of the senior class or the president of the student council and at least one other responsible student selected by the principal.

b. The district threat assessment team shall include the local school superintendent, principal(s) from each school, school facilities staff member, mental health professional, school resource officer, any ROTC instructor within the LEA, and the emergency preparedness and recovery point of contact.

c. The plan shall provide for an all-hazards approach response plan for emergency events, including any event with a hostage, an active shooter, or a building lockdown.

3. within the first 30 days of each school year, conduct a safety drill to rehearse the plan;

4. not later than seven days after each drill, submit a written report summarizing the details of the drill to the local superintendent, who shall comment on the drill to the principal, and the principal shall consider the comments when revising the plan;

5. be responsible for providing in-service training pertaining to the plan for all teachers and school employees each school year. Such training may be incorporated into a meeting or training session held for another purpose and shall involve local law enforcement, fire, public safety, and emergency preparedness officials in the preparation and presentation of the training. The training shall include an active shooter exercise and shall be reported to the local school superintendent and the LDOE;

6. provide for notification of parents, faculty, staff, and local public safety officials in the event of a shooting or other violent incident or emergency situation;

7. include a cardiac emergency response plan in accordance with LAC 28:CLVII. (*Bulletin 135*);

8. provide that classroom doors with locks shall be in accordance with all fire safety standards and shall remain locked during instructional time. Locked doors shall not obstruct egress.

9. The local school superintendent shall make an annual report to the public school governing authority on the status of the plan of each school under the governing authority's jurisdiction.

B. Repealed.

C. - G. ...

H. The school will establish procedures that detail the roles and responsibilities of each school employee and each local and state public safety and emergency preparedness office, including the relevant coordination agreements, services, and security measures of a school.

1. The governing authority of each public school will, as part of its school crisis management plan, develop resources, policies, procedures, and guidelines to address the potential of violence and terrorism in the schools under its jurisdiction.

1. Any full- or part-time administrator, teacher, counselor, bus operator, or other school employee who learns of a threat of violence or threat of terrorism, whether through oral, written, or electronic communication, shall immediately report the threat to a local law enforcement agency and, if the employee is not the school administrator, to the school administrator.

2. Upon being informed of the threat, the school administrator shall make reasonable efforts to attempt to inform all persons who are targets of the threat and shall take all necessary measures to protect lives and ensure safety.

3. The school administrator shall make reasonable efforts to attempt to notify the appropriate personnel within the school district administration.

4. The school administrator and the school district administrator shall then determine if risk is imminent for any other persons as a result of the threat, and if so, notify and take reasonable measures to protect lives and ensure safety.

5. The school administrator and the school district administrator shall determine whether to notify parents of the students at the school.

6. Where the district attorney, upon receiving report of a credible threat made by a student, does not file a petition during the seven days after receiving the report from a law enforcement agency, the student who is the subject of the complaint and investigation shall be permitted to return to school unless the student is charged with assault on a teacher or battery on a teacher.

7. The school administration shall permit a student who is the subject of a complaint and investigation to return to school if, at any point after an investigation and prior to a hearing, the threat is determined not to be credible, unless the student is charged with assault on a teacher or battery on a teacher. The school administrator shall notify any person who was a target of the threat at least two school days prior to the student's return and may conduct a search of the student or student property for weapons upon the student's return.

8. If the person is not a student, the individual shall not be permitted to be within five hundred feet of any school until deemed by a healthcare professional in a formal medical or mental health evaluation to not be a danger to self or others.

9. After such a determination, the individual shall not be permitted in a school unless the school administrator has been notified of the intent to visit the school and given consent. The administrator shall provide at least two school days' notice regarding the visit to any person in the school who was directly threatened by the individual. The school administrator may deny such an individual the right to visit the school.

J. ...

K. Bleeding control kits shall be placed in easily accessible locations in each school.

1. The principal shall ensure that designated employees are trained in the proper use of a bleeding control kit and in traumatic injury response.

2. The kits shall contain, at a minimum, a tourniquet, a hemostatic bleeding control dressing, an emergency trauma dressing, one pair of nitrile gloves, and an instruction card.

3. The kit shall be annually inspected, with materials replaced as needed according to product expiration dates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:154.1, R.S. 29:726.5, et seq., R.S. 40:1137.3, and 17:416.16.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1262 (June 2005), amended LR 39:3258 (December 2013), LR 41:372 (February 2015), LR 45:36 (January 2019), LR 45:1746 (December 2019), LR 50:

Chapter 5. Personnel

§504. Teaching Authorization

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2132 (December 2018), repromulgated LR 45:38 (January 2019), repealed LR 50:

§511. Completion of Approved Numeracy Skills Course

A. The LDOE shall develop a list of approved professional development courses designed for educators that provide numeracy skills instruction and include information on instructing students regarding the vertical alignment of mathematical concepts and the blending of concepts, procedures, strategies, problem-solving, and disposition.

B. For the purposes of the Section, *teacher* means a public school fourth through eighth grade mathematics teacher.

C. Not later than the beginning of the 2025-2026 school year, each teacher must successfully complete at least one approved professional development course and provide documentation of successful completion of the course to the employing school. A teacher who provides documentation of successful completion of an approved professional development course within the five years prior to August 1, 2025, shall be considered in compliance with the provisions of this Paragraph.

D. Any teacher or administrator hired after July 31, 2025, must provide documentation to the employing school of successful completion of an approved professional development course within two years of the date of employment.

E. Beginning May 1, 2026, and annually thereafter, each LEA shall report to the LDOE the number and percentage of teachers who have successfully completed and approved professional development numeracy course. Reported data shall be included in LDOE school progress profiles.

F. Waivers to use professional development courses not included in the LDOE list of approved professional development courses must be submitted in writing to the department and are subject to approval by BESE.

G. The professional development course shall be presented during the educator's work day, but not during the statutorily guaranteed planning period and shall not extend the hours worked in a work day or the hours worked in a year.

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 50:

Chapter 9. Scheduling

§915. Student Activities

A. - G.3. ...

H. A public school that includes any grade levels of kindergarten through fifth shall provide at least fifteen minutes of daily recess to consist of supervised, unstructured free play.

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 50:250 (February 2023), repromulgated LR 50:856 (May 2023), LR 50:

Chapter 11. Student Services

§1103. Compulsory Attendance

A. - J.8.c. ...

9. A student may be absent related to the student's mental health for up to three days in any school year, and such absences shall be excused when documentation/verification is submitted in accordance with the student handbook. The student shall be given the opportunity to make up missed work. Upon the return to school following the second day of mental health absence in any school year, the student shall be referred to the appropriate school support personnel for guidance in addressing the underlying issue, which may include referral to medical services outside of the school setting.

K. - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:112, R.S. 17:221.3-4, R.S. 17:226.1, and R.S. 17:233.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1273 (June 2005), amended LR 32:546 (April 2006), LR 32:1030 (June 2006), LR 33:2351 (November 2007), LR 35:641 (April 2009), LR 35:1097 (June 2009), LR 35:1475 (August 2009), LR 36:482 (March 2010), LR 36:1224 (June 2010), LR 37:1126 (April 2011), LR 37:2132 (July 2011), LR 38:1000 (April 2012), LR 38:1225 (May 2012), LR 38:1399 (June, 2012), LR 39:2205 (August 2013), LR 41:372 (February 2015), LR 41:2594 (December 2015), LR 42:1877 (November 2016), amended LR 48:32 (January 2022), LR 50:33 (January 2023), LR 50:

§1127. Preventive Programs

A. - D.7. ...

E. The governing authority of each public secondary school that issues student identification cards shall have printed on the cards and shall post on the school website the following information:

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:13.1, R.S. 17:283, and R.S. 17:403.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1278 (June 2005), amended LR 39:2208 (August 2013), LR 45:1746 (December 2019), LR 50:

Chapter 13. Discipline

§1315. Corporal Punishment

A. The LEA shall adopt such rules and regulations to permit or prohibit any form of corporal punishment in the schools under its jurisdiction.

1. The use of any form of corporal punishment is prohibited without prior parental written consent.

2. Such consent applies only to the school year in which it is given.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81.6, R.S. 17:223, and R.S. 17:416.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005), amended LR 39:2212 (August 2013), LR 43:2483 (December 2017), LR 50:

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2305. Ancillary Areas of Instruction

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

5. The programs shall include providing the website and phone number of at least one national organization specializing in adolescent substance abuse. The resource information shall be posted on the LEA website.

G. - Q.1. ...

2. the relationship and the difference 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;

4. resources and services available to assist people with mental health issues; and

5. the management of stress and anxiety.

R. Organ Donation. Each public high school shall provide information regarding organ donation to students. Such instruction shall be integrated into the curriculum of an existing required course using free resources from a Louisiana organ procurement organization or other free resources available from authoritative sources.

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, and 17:405 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 50:251 (February 2023), repromulgated LR 50:857 (May 2023), LR 50:

§2317. High Schools

A. - I.4. ...

5. Community service hours shall not count toward academic course work or graded work in any public school.

6. The community service performed shall not be related to political activities of any kind.

J. - K.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:154, 17:264, 17:1944, 17:1945, and 17:4073.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 36:1485 (July 2010), LR 37:1137 (April 2011), LR 38:754 (March 2012), LR 39:1038 (April 2013), LR 39:2216 (August 2013), LR 40:1328 (July 2014), repromulgated LR 40:1528 (August 2014), amended LR 40:2530 (December 2014), LR 45:37 (January 2019), LR 45:227 (February 2019), LR 46:1671 (December 2020), amended LR 48:33 (January 2022), LR 50:

Subchapter B. Academic Programs of Study

§2367. Religious Studies

A. ...

B. Each LEA may offer an elective high school course in the history and literature of the Bible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:282, and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1298 (June 2005), amended LR 37:2134 (July 2011), LR 39:2221 (August 2013), LR 50:

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 40. Charter School Autonomy

§4003. Applicability of State Laws

A. - A.45. ...

46. organ donation instruction, R.S. 17:280.2.

47. elective course on the history and literature of the Bible, R.S. 17:282.

48. written policies regarding carpool and bus line procedures in accordance with LAC 28:CXIII.903. (*Bulletin 119*) and R.S. 17:81.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), amended LR 48:1269 (May 2022), LR 50:

Part CLVII. Bulletin 135—Health and Safety

Chapter 5. Injury Management Program Rules for Serious Sports Injuries

§509. Automated External Defibrillators (AED)

A. Each elementary, middle, and secondary school shall have an AED on its premises in an easily accessible location.

B. Each elementary, middle, and secondary school shall have a cardiac emergency response plan that establishes the specific steps to reduce death from cardiac arrest. The plan shall include at a minimum:

1. list of cardiac emergency response team;
2. procedures for activating the team in response to a sudden cardiac arrest;
3. placement and maintenance of AED; and
4. staff training.

C. Any elementary, middle, and secondary school that sponsors an interscholastic athletic event shall have an AED, a written cardiac emergency response plan, and a trained AED user who is also trained in first-aid and CPR on-site at the event at all times.

D. Provisions of the plan and appropriate training shall be in accordance with Louisiana Department of Health, LAC 48:I.Chapter 61.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1137.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, 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, November 9, 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: School Administration and Safety

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

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule revisions to LAC 28:LXXIX. Bulletin 741(Nonpublic)—Louisiana Handbook for Nonpublic School Administrators. The proposed rule revisions set forth additional requirements regarding school accreditation, suicide prevention, transportation, and the repeal of teaching authorization requirements.

Much of the proposed rule revision to LAC 28:CV. Bulletin 741—Louisiana Handbook for School Administrators is not projected to result in costs or savings to state or local governmental units. There will be a cost associated with the numeracy professional development course, which is expected to be funded with \$897,870 in ESSER III-Math Refresh Initiative funding. Local education agencies are not anticipated to experience a cost associated with this training, as it will be hosted on the Louisiana Department of Education (LDOE) professional development platform and available free of charge. Display of the national motto may result in limited costs to schools, although the Act also allows schools to accept donated displays or funds to purchase such displays. Further revisions set forth requirements regarding implementation of crisis management and response plans, carpool and bus line procedures, recess time requirements, student absences regarding mental health, restrictions on corporal punishment, instruction on organ donation using free resources, updates to the community service diploma endorsement, and inclusion of a Bible literature elective course. Additionally, the aforementioned revisions repeal teaching authorization requirements.

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule revisions to LAC 28:CVIII. Bulletin 119—Louisiana School Transportation Specifications and Procedures. The proposed rule revisions implement additional requirements regarding the safe loading and unloading of students from buses and during carpool in elementary schools.

The proposed rule revisions to LAC 28:CLVII. Bulletin 135—Health and Safety revisions require that schools have an Automated External Defibrillator (AED) on the premises and at athletic events and set forth the requirements regarding implementation of cardiac emergency response plans. Schools that do not already have an AED will need to purchase one. These devices are on state contract at approximately \$1,600 per unit. The legislature appropriated \$1.5 M in Act 447 of the 2023 Regular Session to fund the purchase of these devices.

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule

revisions to LAC 28:CXXXIX. Bulletin 126—Charter Schools. The proposed rule revisions establish the applicability of state laws to charter schools regarding instruction on organ donation, Bible literature elective course, and bus and carpool safety.

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

The proposed rule revisions will not have a determinable 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)

Organ Donation - Public high schools will need to identify free organ donation resources to incorporate into an existing course. The additional workload is expected to be minimal.

Numeracy Professional Development - The required numeracy course will be available for the 2024-2025 school year and will take approximately 40-50 hours to complete. Language in Act 260 requires that completion of the training not extend the teacher's work day or the number of hours to be worked in a year. LDOE will create and provide the training, which will be offered at no cost to educators.

National Motto - The cost of printing and framing "In God We Trust" displays according to the specifications in the Act may be defrayed through donated funds or displays.

Student Behavior, Discipline, and Mental Health - Additional workload may be experienced by referral of students to the appropriate school personnel to provide guidance with addressing the underlying issue after two absences due to mental health. Additional instructional resources may need to be located or developed to include stress management and anxiety within age-appropriate mental health instruction.

Threats of Terrorism and Violence; Act 334 - School Safety Act - Schools and LEAs will need to make adjustments to the crisis management and response plan during the annual review to align with requirements regarding the reporting of, investigation of, and response to threats of violence or terrorism, as well as with the requirements of the School Safety Act. Schools may also need to assemble a Stop the Bleed kit. Free resources to support training for the kits are available online.

Automated External Defibrillator (AED) - Schools will need to create a cardiac emergency response plan and acquire an AED if one is not currently available at the school. This may also require training for staff members designated to support the use of the AED.

Bus/Carpool - Requires each public school governing authority to establish policies and procedures for carpool and bus lines at any school that includes kindergarten through fifth grades. Signage may constitute a minimal local cost and/or effort, and additional personnel may be needed to assist younger students with safe loading and unloading.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule revisions are not anticipated to have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2310#029

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

Office of Governmental, Administrative, and Public Affairs

Summary of Public Comment and Agency Response

Proposed Revisions to LAC 28:CLVII Bulletin 135 - Health and Safety

Background

In August 2023, the Louisiana Department of Education (LDOE) recommended revisions to bulletins regarding school safety in response to acts of the 2023 Regular Legislative Session. The Board of Elementary and Secondary Education (BESE) approved the proposed revisions, and the Notice of Intent (NOI) ran in the October 20, 2023, issue of the *Louisiana Register*. These were presented to the board as revisions to several bulletins, including *Bulletin 135 - Health and Safety*, *Bulletin 741 - Louisiana Handbook for School Administrators*, *Bulletin 126 - Charter Schools*, *Bulletin 741 (Nonpublic) - Louisiana Handbook for Nonpublic School Administrators*, and *Bulletin 119 - Louisiana School Transportation Specifications and Procedures*.

Part of the revisions addressed Act 234 of the 2023 Regular Legislative Session, which amended R.S. 40:1137.3 to require that each elementary, middle, and high school have an automated external defibrillator (AED) on its premises in an easily accessible location and at each interscholastic athletic event. A trained AED user also trained in CPR is also to be present at each event. Further, each elementary, middle, and high school is to develop and maintain a cardiac emergency response plan.

Public Comments Received

One written comment was received prior to the November 9, 2023, deadline. The commenter applauded the timely BESE response to the legislation requiring AEDs and cardiac safety plans and requested additional requirements in policy to clarify components of the legislation that should be included in school cardiac emergency plans. Such components include practicing using drills, integrating local emergency services with plan development, and annually reviewing and evaluating the plan.

Response

LDOE agrees that quality emergency planning is essential to school preparedness for addressing a variety of unknowns. For this reason, the requirement to develop a written cardiac emergency response plan was incorporated into the proposed revisions to *Bulletin 741 - Louisiana Handbook for School Administrators* in Section 339. Emergency Planning and Procedures. The proposed policy includes annual review of a plan developed jointly with local law enforcement, fire, public safety, and emergency preparedness officials that addresses the immediate response to emergency situations that may develop in schools.”

Communication, training, and practiced drills are other requirements of the plans, as outlined in the proposed revisions.

Guidance is currently in development to assist school and system leaders with developing high-quality emergency response plans to include cardiac emergency response plans. Assistance is also available to stakeholders through [Code Ana](#) and [Louisiana Emergency Response Network](#).

The LDOE recommendation is to proceed with the adoption of the Notice of Intent as a final Rule in the January 20, 2023, issue of the *Louisiana Register*.



American
Heart
Association.

RECEIVED

NOV 08 2023

Board of Elementary
and Secondary Education

November 1, 2023

Attn: Shan Davis, Executive Director
Board of Elementary and Secondary Education
P.O Box 94064
Baton Rouge, LA 70804-9064

RE: Proposed Rule: LAC 28: CLVII.Chapter 5

Dear Ms. Davis,
The American Heart Association (AHA) appreciates this opportunity to provide comments on the proposed amendment to *Rule LAC 28: CLVII.Chapter 5*.

The AHA applauds the Louisiana Board of Elementary and Secondary Education for promulgating the rules of Act 234 of 2023 in a timely manner. As BESE moves forward with evaluating additional changes, we ask that you also consider adding the following to the proposed rule change:

- Practicing using drills.
- Integrating local EMS with the plan.
- Annually reviewing and evaluating the plan.

All three of the above bullet points were included in ACT 234 of 2023 that was signed by the Governor. Ensuring that all parties involved in the plan practice carrying it out will help prevent any unintended mistakes or errors when there is an actual cardiac arrest, and someone's life is on the line. Integrating local EMS with the plan is essential so when EMS is dispatched, they can respond in a timely and accurate way ensuring no critical seconds are wasted. Finally, annually reviewing and evaluating a cardiac emergency response plan will help administrators identify areas where the plan can be improved or revised. In addition to the three points above, the AHA would also ask that BESE consider adding to the rule change that each cardiac emergency response plan should be disseminated to the entire school. This will ensure that everyone in the school is familiar with the plan and knows how to respond in the event that someone begins to go into cardiac arrest. In order for a cardiac emergency response plan to work effectively and for lives to be saved, all parts of the plan must be utilized and carried out.

If you have questions or would like to discuss further, please contact me at Evan.Alvarez@heart.org or 225-614-4252.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Alvarez".

Evan M. Alvarez
Government Relations Director, Louisiana