



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION
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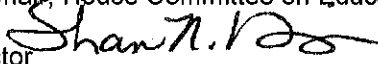
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February 10, 2022

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 January 20, 2022, Notice of Intent that was promulgated on pages 90-92 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 April 20, 2022, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

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

SND:slr

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

statutory provisions and administrative practices as required by portions of Act 386 of 2017 Regular Session of the Legislature and Act 29 of 2020 First Extraordinary Session. Administration of the program will be carried out utilizing existing staff and resources at LED.

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

There will be increased revenues (decreased costs) to the State General Fund (Direct) due to Act 386 of 2017, which implemented extensive changes and restrictions to the Quality Jobs program. These changes specifically resulted in three major changes that would impact the cost of the program:

- (A) Hourly wage requirement increased to \$21.66 per hour the healthcare requirement remains but it cannot be included in the wage calculation. All companies that qualify will receive 6% payroll benefit. The 5% tier is eliminated completely. Wages between \$18.66 and \$21.65 will qualify for a 4% payroll benefit
- (B) Job requirements for businesses with greater than 50 existing employees would move from 5 to 15 new employees
- (C) Companies cannot qualify for Quality Jobs based on Census Tract Block Group status alone.

Other than the wages estimates, which were based on actual certified FY16 averages, the other calculations are based off of FY14-16 Quality Jobs applications. It was also assumed that all Sales and Use Rebates (S&U) or Investment Tax Credits (ITC) would be claimed in the third fiscal year of a company's contract. Based on the above assumptions, the following savings estimates were calculated:

Year	(A) Fiscal impact based on change in wage requirements (\$ million)	(B) Fiscal impact based on change in number of employees (\$ millions)	(C) Fiscal impact based on Census Tract Block group change (\$ millions)	Total estimated fiscal impact (\$ millions)
FY22	\$7.9	\$4.3	\$12.8	\$25.0
FY23	\$8.8	\$4.8	\$14.3	\$27.9
FY24	\$9.7	\$5.2	\$15.7	\$30.6

There will be decreased revenues (increased costs) to the State General Fund (Direct) to the extent entities take advantage of the tax credits pursuant to the changes in the program as enacted in Act 29 of 2020 (ES). The program allows businesses classified as COVID-19 impacted retail, hotels and restaurants, that have no more than 50 employees nationwide including affiliates, to participate in the program with advance notification filings from July 1, 2020 to December 31, 2021. Eligibility to earn benefits terminates after June 30, 2023. The extent of qualifying participation in the program is speculative; however, assuming 1% of the potentially eligible firms qualifying for participation and being rebated 4% of the minimum amount of participating payroll (5 employees at \$18/hour for 30 hours per week for 52 weeks) results in \$1.6 million per year of state payroll rebate cost exposure. Because historically nearly half of program costs are payroll subsidies, the Department of Economic Development estimates the full program cost exposure to be approximately \$3 million annually, beginning in FY24.

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

The income of new businesses participating in the program may decrease in comparison to existing approved businesses due to the heightened eligibility criteria and decreased benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Companies receiving benefits under this program will gain competitively over companies that do not receive the program's benefits.

Anne G. Villa
Undersecretary
2201#048

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—Performance Standards (LAC 28:XI.6913)

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 has LAC 28:XI: Subpart 3 in *Bulletin 118—Statewide Assessment Standards and Practices*. The aforementioned revisions are in response to new LEAP Connect assessment forms administered to eligible students in grades 3-8 and 11 in the spring of 2021. Specifically, the revisions update the reference of “scaled-scores” used in current policy to “scale scores;” update scale score ranges for English language arts, mathematics, and science; and update the labels for the four achievement levels previously identified as Level 1, 2, 3, and 4. This Declaration of Emergency, effective August 18, 2021, is for a period of 180 days from adoption, or until finally adopted as Rule.

**Title 28
EDUCATION**

Part XI: Accountability/Testing

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

**Chapter 69. LEAP Alternate Assessment, Level 1
Subchapter D. Alternate Achievement Levels and Performance Standards**

**§6913. Performance Standards
[Formerly LAC 28:CXL1913]**

A. Performance standards for LEAP Connect English language arts, mathematics, and LEAP Connect science tests are finalized in scaled-score form.

B. LEAP Connect Alternate Achievement Levels and Scaled-Score Growth Ranges

1. English Language Arts and Mathematics Scaled Score Ranges

a. English Language Arts

Grade	English Language Arts			
	Below Goal	Near Goal	At Goal	Above Goal
3	1200 - 1231	1232 - 1239	1240 - 1257	1258 - 1290
4	1200 - 1231	1232 - 1239	1240 - 1252	1253 - 1290
5	1200 - 1231	1232 - 1239	1240 - 1252	1253 - 1290
6	1200 - 1231	1232 - 1239	1240 - 1249	1250 - 1290
7	1200 - 1231	1232 - 1239	1240 - 1247	1248 - 1290
8	1200 - 1231	1232 - 1239	1240 - 1243	1244 - 1290
HS	1200 - 1231	1232 - 1239	1240 - 1258	1259 - 1290

b. Mathematics

Mathematics				
Grade	Below Goal	Near Goal	At Goal	Above Goal
3	1200 - 1231	1232 - 1239	1240 - 1275	1276 - 1290
4	1200 - 1231	1232 - 1239	1240 - 1251	1252 - 1290
5	1200 - 1231	1232 - 1239	1240 - 1256	1257 - 1290
6	1200 - 1231	1232 - 1239	1240 - 1247	1248 - 1290
7	1200 - 1231	1232 - 1239	1240 - 1256	1257 - 1290
8	1200 - 1231	1232 - 1239	1240 - 1254	1255 - 1290
HS	1200 - 1231	1232 - 1239	1240 - 1248	1249 - 1290

2. Science Scaled Score Ranges

Science				
Grade	Below Goal	Near Goal	At Goal	Above Goal
4	1200 - 1231	1232 - 1239	1240 - 1243	1244 - 1290
8	1200 - 1231	1232 - 1239	1240 - 1243	1244 - 1290
HS	1200 - 1231	1232 - 1239	1240 - 1244	1245 - 1290

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(F)(3) and R.S. 17:183.1-17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007), amended LR 35:209 (February 2009), amended by the Board of Elementary and Secondary Education, LR 44:472 (March 2018), LR 44:1237 (July 2018), LR 47:568 (May 2021), LR 48:

Family Impact Statement

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

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

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

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

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

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

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

Small Business Analysis

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

Provider Impact Statement

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

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, February 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 118—Statewide Assessment Standards and Practices—Performance Standards

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed revisions will not result in costs or savings to state or local governmental units.
These revisions would update the reference of "scaled-scores" used in current policy to "scale scores;" update scale score ranges for English language arts, mathematics, and science; and update the labels for the four achievement levels previously identified as Level 1, 2, 3, and 4.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed revisions will not have an effect on revenue collections of state or local governmental units

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Beth Scioneaux
Deputy Superintendent
2201#051

Alan M. Boxberger
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools
(LAC 28:CXXXIX.2715, 2717, 2719, 2803,
4301, 4303, 4305, 4307, 4309, 4311, 4313,
4315, 4317, 4319, 4321, and 4323)

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 LAC28:CXXXIX. Bulletin 126 – *Charter Schools* in accordance with legislation enacted during the Louisiana 2021 Regular Legislative Session.

Title 28

EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 27. Charter School Recruitment and Enrollment

§2715. Remote School Registration and Enrollment of Children of Military Personnel Transferring to Louisiana

A. A local educational governing authority shall allow a dependent child of an active duty member of the United States Armed Forces, the military reserve forces, or the National Guard or a Department of Defense civilian to register and preliminarily enroll in a public school under its jurisdiction by remote means, including electronic means, prior to becoming a resident of Louisiana, if:

1. the parent or legal guardian of the student is transferred or pending transfer to a military installation or comparable duty location in Louisiana pursuant to an official military order;

2. the parent or legal guardian of the student provides a copy of the official military order transferring the parent or legal guardian to a military installation or comparable duty location in Louisiana to the local educational governing authority; and

3. the parent or legal guardian of the student completes and submits to the local educational governing authority all required registration and enrollment forms and documentation, except that proof of residency, which shall be required within ten days after the arrival date specified on the parent or legal guardian transfer orders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:101.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§2717. Purple Star School Award Program

A. A school shall be labeled a “Purple Star School” if it has exhibited a major commitment to military-connected students and families, as demonstrated by meeting the following requirements.

1. The school has designated a staff member as a military liaison to serve as the primary point of contact for military-connected students. The designated staff member shall:

a. identify special considerations needed by military-connected students and families; and

b. develop training to inform teachers and other school personnel of such special considerations.

B. Schools labeled as “Purple Star Schools” shall:

1. maintain a dedicated page on the school website featuring resources for military-connected students and families; and

2. maintain a student-led transition program to provide peer support for military-connected students

C. The local educational governing authority of each Purple Star School shall:

1. adopt a resolution stating the commitment of the support for military-connected students and families; and

2. assign a central office staff member to be the contact for the school-based liaison and military-connected students and families.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:101.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§2719. Reward Eligibility

A. A school shall be labeled a “reward school” if it earns the equivalent to an “A” letter grade on the progress index.

B. Schools labeled as “reward schools” shall be eligible for financial rewards, as funds are available and as determined by the department.

C. Schools will not be eligible for reward status if they are labeled “urgent intervention required” for any subgroup.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:101.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Chapter 43. Discipline

§4301. Disciplinary Regulations

A. Each charter school shall adopt such rules and regulations as it deems necessary to implement and control any disorderly conduct in the school or on the playground of the school, on any school bus, on the street or road while going to and from school, or during intermission and recess, or at any school sponsored activity or function.

1. The plan shall not prohibit a teacher from removing a pupil from the classroom for disciplinary reasons.

2. The plan shall address student behavior with a focus on evidence-based interventions and supports, prioritizing classroom- and school-based interventions in lieu of out-of-school disciplinary removals to address student misconduct in order to minimize the loss of academic instructional time.

3. Each charter school shall adopt rules regarding the reporting and review of disciplinary actions.

B. Teachers, principals, and administrators may, subject to any rules as may be adopted by the charter school, apply