



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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February 12, 2024

MEMORANDUM

TO: Senator Cameron Henry, Senate President
Representative Phillip DeVillier, Speaker of the House
Senator Rick Edmonds, Chair, Senate Committee on Education
Representative Laurie Schlegel, 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, 2024, Notice of Intent that was promulgated on pages 82-84 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, 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

Dr. 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

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, 2024, 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 746—Louisiana Standards for State Certification of School Personnel—Teacher Certification Requirements

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:CXXXI in Bulletin 746—*Louisiana Standards for State Certification of School Personnel*. Act 347 of the 2023 Regular Legislative Session directed BESE to revise teacher certification requirements and teacher education program requirements to require instruction on foundational numeracy skills standards for candidates seeking certification to teach. The changes require that candidates in teacher certification programs participate in programs that provide instruction on foundational numeracy skills including, but not limited to, the following: effectively teach foundational mathematics skills explicitly and systematically; implement effective mathematics instruction using high-quality instructional materials; provide effective instruction and interventions for students who have difficulty with mathematics; and understand and use student data to make instructional decisions.

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)

Teacher preparation program providers may need to revise some program components to align with the adopted foundational numeracy requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Beginning September 1, 2028, in order to be certified as a teacher in a Louisiana K-12 school, a candidate must have earned coursework or the equivalent contact hours in alignment with the new foundational numeracy competencies. This may result in a decrease in competition and employability if candidates do not meet these requirements.

Beth Scioneaux
Deputy Superintendent
2401#037

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1573—Complaint Management Procedures— Special Education Complaint Procedures (LAC 28:LXI.305, 501, 505, and 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:LXI in Bulletin 1573—*Complaint Management Procedures*. The aforementioned revisions modify special education complaint management procedures to improve the process by which parent complaints regarding Louisiana students with disabilities who receive special education services are addressed.

Title 28 EDUCATION

Part LXI. Bulletin 1573—Complaint Management Procedures

Chapter 3. General Provisions

§305. Filing a Complaint

- A. ...
- B. Complaints may be filed in writing, by telephone call, by email, or in person.
- C. The complaint must include:
 1. a statement that a public agency has violated a requirement of Part B of the Act or of this Part; and
 2. the facts on which the statement is based.
- D. ...
- E. Complainants lacking federally required information will be contacted by LDOE dispute resolution staff to explain deficiencies with recommendations for appropriate action to be taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1082 (July 2003), LR 50:

Chapter 5. Complaint Intake and Investigative Procedures

§501. Filing Complaints

A. Complaints may be filed by parents, students, child advocates, surrogate parents, other individuals or organizations. Complaints may be filed in writing, by telephone call, by email, or in person. A complaint must include not only a statement that a local educational agency (LEA) has violated a requirement of federal/state law or regulation but also the facts upon which the statement has been based.

B. Grievances that do not meet SDE complaint criteria are referred back to the complainant via attempted email or telephone call, with recommendations for appropriate action to be taken and resources available to assist the complainant with pursuit of further action.

C. Complainants lacking federally required information will be contacted by LDOE dispute resolution staff to explain deficiencies and offer instructions for making corrections.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1083 (July 2003), LR 50:

§505. Complaint Intake Procedures Log (SCL)

A. When a complaint is received and accepted by the SDE, the complaint is recorded in the SDE Complaint Log (SCL). SCL includes, but is not limited to, documenting the date received, name of the complainant, LEA, school, allegation type, and outcome.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1083 (July 2003), LR 50:

§509. Report of Finding

A. - G. ...

H. The date of the complaint, name of the complainant, school involved, allegation type, and outcome will be recorded and shared with monitoring and program staff to inform quality assurance, monitoring, and improvement efforts.

I. Beginning in fall 2024, redacted information regarding the results of formal complaints will be posted to the LDOE website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:1083 (July 2003), 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, February 9, 2024, 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 1573—Complaint Management Procedures—Special Education Complaint Procedures

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 change to LAC 28:LXI in Bulletin 1573—*Complaint Management Procedures*. The change modifies special education complaint management regarding the process to address complaints related to students with disabilities who receive special education services in Louisiana schools. The proposed rule change will facilitate smooth processing of complaints and an improved experience for parents. The process will be administered by the LDOE special education attorney and ombudsperson.

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 nongovernmental 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
2401#038

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

Delisting Exclusion of Solvents/EDC Process Wastewater
Effluent and Solvents East Ditch Sediment from Hazardous
Waste for the Dow Chemical Company, Plaquemine
(LAC 33:V.4999)(HW125)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste regulations, LAC 33:V.4999, Appendix E (HW125).

The proposed Rule will delist solvents/EDC process wastewater effluent and solvents east ditch sediment from certain EPA hazardous waste number categories and will establish monitoring conditions to maintain the delisting status. The proposed rulemaking will acknowledge LDEQ's acceptance of Dow's delisting exclusion petition submitted to fulfill a requirement in a Consent Agreement and Final Order (CAFO) with EPA issued per Docket No. RCRA-06-2010-0933.

Prior to October 5, 2015, The Dow Chemical Company owned and operated the hazardous waste incinerator (F-700) in the solvents/EDC production unit, now owned and operated by Olin Corporation (Blue Cube Operations, LLC). A wet scrubber system treats incinerator combustion gas and generates an aqueous effluent waste that carries the same hazardous waste category numbers as the waste treated in the incinerator. The scrubber effluent waste discharges to a lined ditch and then to an unlined ditch (solvents east ditch) through an LPDES permitted point (Outfall 201). In accordance with the CAFO, Dow chose to pursue a waste delisting option under LDEQ oversight for both the solvents/EDC process wastewater effluent and solvents east ditch sediment (in situ). The basis and rationale for this proposed Rule are based on an evaluation of the information provided by the petitioner, including the analytical data, and the department's analysis of the information, including results of the Delisting Risk Assessment Software assessment. LDEQ found this initial petition to be deficient for determining delisting eligibility for all requested waste codes affecting the solvents east ditch sediment. After further sampling and analysis, Dow submitted a petition addendum on February 21, 2018, which satisfactorily demonstrated that both waste streams were eligible for delisting. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—

Hazardous Waste

Chapter 49. Lists of Hazardous Wastes

§4999. Appendices—Appendix A, B, C, D, and E

Appendix A. - Appendix B. ...

Appendix E. Wastes Excluded under LAC 33:V.105.M

A. - B.3.b. ...

Table 1—Wastes Excluded
BFI Waste Systems of Louisiana LLC, Colonial Landfill, Sorrento, LA

Table 1—Wastes Excluded
Denka Performance Elastomer LLC, LaPlace, LA

Table 1—Wastes Excluded
Lyondell Chemical Company, Lake Charles, LA
