



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064 • PHONE: 225-342-5840 • FAX: 225-342-5843

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2nd BESE District

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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 80-82 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

Schools that fall under the jurisdiction of LAC 28:LXXIX—*Louisiana Handbook for Nonpublic School Administrators* may incur additional costs associated with developing or purchasing curricula for the one-unit Financial Literacy course and any resources used in class instruction to the extent they choose to offer Financial Literacy courses to students who pursue a TOPS University Diploma or a career diploma.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule revisions provide a knowledge base in financial literacy to students exiting high school and entering college and/or beginning their careers. An education in personal and professional monetary decision-making can provide awareness to the dangers of poor spending habits, predatory lending, and excessive debt; while also providing the skills necessary for successful entry into an independent life and gainful employment. Additionally, increasing the number of foreign languages offered and recognized in secondary and post-secondary coursework expands the opportunities to which students are exposed in a global world.

Beth Scioneaux
Deputy Superintendent
2401#036

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Teacher Certification Requirements (LAC 28:CXXXI.331, 333, and 507)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI in Bulletin 746—*Louisiana Standards for State Certification of School Personnel*. Act 347 of the 2023 Regular Legislative Session directed BESE to revise teacher certification requirements and the requirements of teacher education programs to require instruction on foundational numeracy skills standards for candidates seeking certification to teach. The aforementioned revisions 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.

Title 28 EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Chapter 3. Initial Teacher Certification

Subchapter F. Mathematics Teacher Competencies

§331. Content Knowledge Competencies

A. Utilizing the academic standards for mathematics for the certification grade band and adjacent grade bands, the teacher candidate, at minimum, demonstrates the following

competencies to plan for instruction, teach, assess, and monitor student learning:

1. ...
2. builds foundational numeracy by providing precise, accurate, useful descriptions of algorithms and procedures, including descriptions of the accuracy of alternative procedures or algorithms while blending concepts, procedures, strategies, problem-solving skills, and dispositions;
3. exhibits an integrated, functional grasp of foundational numeracy, mathematical concepts, and procedures along the grade K-12 mathematical progressions so that all students are prepared for success in Algebra I and beyond;
4. ...
5. models the mathematical dispositions and habits of mind described in the practice standards and integrated within high-quality instructional materials, including precision of language, logical thought, reflection, explanation, and justification;
6. recognizes vertical alignment in K-12 mathematical standards and uses the connections between the topics identified in the relevant standards and problems arising in real-world applications;
7. builds positive math dispositions while portraying mathematics as sensible, useful, and worthwhile; and
8. teaches foundational mathematics skills, explicitly and systematically applying strategies to assess instructional effectiveness.

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. 17:391.1-391.10, R.S. 17:7.2, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:426 (March 2022), repromulgated LR 48:1028 (April 2022), LR 50:

§333. Content Pedagogy Competencies

A. The teacher candidate builds and applies knowledge within grade coherence and vertical alignment of mathematical topics and relationships within and across mathematical domains to identify key mathematical ideas and implement mathematically sound lesson sequences and units of study within high-quality materials that develop student foundational numeracy, conceptual understanding, procedural skill and fluency, and ability to solve real-world and mathematical problems to prepare students for success in Algebra I and beyond.

1. The teacher candidate appropriately implements effective mathematics instruction using high-quality instructional materials through planning appropriate scaffolding to provide opportunities for students to access and master grade-level standards.

2. The teacher candidate anticipates student misconceptions or math difficulty which may arise during a lesson or unit of study, identifies key points in the lesson or unit to check for misconceptions, and identifies appropriate instructional strategies to respond to misconceptions, including but not limited to questioning, whole group discussion, problem sets, instructional tools, and representations that make the mathematics of the lesson explicit.

3. The teacher candidate identifies and implements standards-based tasks within high-quality instructional

materials using varied strategies, including but not limited to real-life applications, manipulatives, models, and diagrams/pictures that present opportunities for instruction and assessment.

4. The teacher candidate customizes lessons and practice sets within high-quality instructional materials that include scaffolding and differentiation of mathematical content to provide opportunities for students to develop and demonstrate mastery.

5. The teacher candidate uses student data to identify appropriate student groupings, such as pairs or small groups, to develop student conceptual understanding, skill, and fluency with mathematical content as well as independent mathematical thinking.

6. The teacher candidate provides effective interventions for all students by using an accelerated learning approach, connecting unfinished learning to new learning within grade-level content, and utilizing high-quality materials to provide just-in-time support, especially for students with difficulty in mathematics.

B. - C.1. ...

2. posing challenging problems that offer opportunities for productive struggle and for encouraging reasoning, problem solving, and perseverance in solving problems through an initial difficulty;

C.3. - D. ...

1. The teacher candidate identifies student difficulties, errors, unfinished learning, and inconsistencies in student knowledge, skills, and mathematical reasoning to accelerate or scaffold student learning during lesson implementation, using, but not limited to, the following strategies:

a. oral and written explanations of the elements and structures of mathematics and the meaning of procedures, analogies, and real-life experiences;

b. - c. ...

2. The teacher candidate uses student data to address difficulty with mathematics and uses trends in assessment results to plan, instructional strategies, learning acceleration, and enrichment opportunities for students within adopted high-quality instructional units of study.

3. The teacher candidate effectively uses student data to make instructional decisions. Student data includes but is not limited to classroom observation of discussion, oral reasoning, work samples, formative assessment, and summative assessment.

4. The teacher candidate regularly monitors student performance and student understanding.

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. 17:391.1-391.10, R.S. 17:7.2, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:427 (March 2022), repromulgated LR 48:1029 (April 2022), LR 50:

Chapter 5. Teaching Credentials, Licenses and Certifications

Subchapter A. Standard Teaching Certificates

§507. Professional Level Certificates

A. - B.11. ...

12. Beginning September 1, 2028, an applicant for initial certification must have earned coursework or equivalent contact hours in alignment with the adopted foundational numeracy competencies.

C. - H.3. ...

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, R.S. 17:7.2, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1331 (July 2014), LR 46:1381 (October 2020), amended, LR 48:430 (March 2022), LR 48:1273 (May 2022), LR 48:2554 (October 2022), LR 49:37 (January 2023), 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 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: