



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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Executive Director

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June 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 *Shan N. Davis*
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 May 20, 2022, Notice of Intent that was promulgated on pages 1302-1305 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 August 20, 2022, 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:eil

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

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: BESE/8(g) Operations**

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

The proposed revisions may result in increased state costs to the Board of Elementary and Secondary Education (BESE) for increased workload to process requests for review. However, this will vary depending on the number of parents requesting review of a transfer denial. If transfer request denials are few enough in number, BESE will likely be able to incorporate the increased workload with existing staff and resources. However, if the number of requests is significant, BESE will need to add one position to process reviews for an estimated cost of \$75,000 (including \$49,400 salary and \$25,600 related benefits), as well as ancillary operating costs.

The proposed revisions codify the procedure for submission of an appeal for BESE consideration regarding a student transfer request denial from an LEA. These revisions are in response to Act 420 of the 2021 Regular Legislative Session.

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, SMALL BUSINESSES 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 Stioneaux
Deputy Superintendent
2205#022

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 106—Agriculture Education Content Standards Curriculum Framework—Advisory Councils (LAC 28:LXV.109)

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:LXV in *Bulletin 106—Agriculture Education Content Standards Curriculum Framework*. The aforementioned revisions establish and align advisory councils across all bulletins, in accordance with authorizing statute R.S. 17:185, and in compliance with Louisiana Open Meetings Law and meeting procedures outlined in *Robert's Rules of Order*. The revision, part of an

effort to codify all BESE advisory councils in policy to include processes and procedures, will eliminate the need for bylaws for each individual council and standardizes operational guidelines.

**Title 28
EDUCATION**

Part LXV. Bulletin 106—Agriculture Education Content Standards Curriculum Framework

Chapter 1. General

§109. Agricultural Education Commission

A. Functions. The function of an advisory council is to advise the board, directly or through its committees, in the discharge of policymaking, supervisory control, and budgetary duties and responsibilities. Specific functions of an advisory council are determined by the establishing statute or policy. Advisory councils deal exclusively with matters referred by the board or the LDE. Matters referred to advisory councils include external input regarding funding decisions, policy matters reviewed for local impact, bulletin revisions containing policies or supervisory controls, and matters particular to a council for which it was created. The LDE staff provides the board with a statewide and nationwide perspective on certain issues, while advisory councils respond from a local or community perspective.

B. Composition. Unless otherwise provided by state or federal law, each advisory council of the board is created by board policy. The policy determines the size of the council membership; the appointing authority; the persons, organizations, affiliations, or interest groups to be represented on a council; and the length of term.

C. Agricultural Education Commission (AEC) Established

1. Authority per R.S. 17:185.4 and BESE policy.

2. Function and Responsibilities

a. Program Evaluation. Assist the state superintendent of education in the ongoing evaluation of agricultural education programs in elementary and secondary schools.

b. State Plan Review. Review the state action plan for agricultural education and provide recommendations to BESE regarding revisions to policy or curricula necessary for state agricultural education programs and initiatives to remain responsive to the needs of students and the agricultural community.

c. Delivery System. Continually review the state agricultural education delivery system to provide guidance and recommendations to the LDE regarding content standards, curricula, agriculture focused IBCs, educator professional development, and strategies to promote agricultural literacy and student awareness of educational and career opportunities in agricultural fields.

d. Facilitate the development of partnerships and collaboration with agriculture-based industries and stakeholders.

e. Provide guidance and support toward the development and establishment of agriculture immersion programs in elementary and secondary schools that allow students to master an understanding of the importance of agriculture, related fields, and occupations to the state, nation, and world.

3. The membership of the AEC shall consist of 17 ex-officio representatives from K-12 and postsecondary

education, state agencies, and organizations related to agriculture and agriculture education, or a designee, as follows:

- a. state superintendent of education;
- b. commissioner of higher education;
- c. Louisiana Community and Technical College System, president;
- d. LSU College of Agriculture, vice-president;
- e. Southern University Agricultural Center, chancellor;
- f. Louisiana Cooperative Extension Service, director;
- g. Louisiana Department of Agriculture and Forestry, commissioner;
- h. Louisiana Agriscience Teachers Association, president;
- i. Louisiana FFA, president;
- j. Louisiana FFA, state executive director;
- k. Louisiana 4-H Foundation, chairman of the board of trustees;
- l. Louisiana Farm Bureau Federation, president;
- m. Louisiana Department of Economic Development, secretary;
- n. Louisiana Workforce Commission, secretary;
- o. Louisiana Association of Business and Industry, president;
- p. Louisiana Association of Educators, president;
- q. Louisiana Federation of Teachers, president.

D. General Membership Information

1. Terms. Unless otherwise provided by state or federal law, persons appointed to the commission shall serve at the pleasure of the recommending authority. A commission member may be removed without cause by the appointing authority at any time. Appointees must maintain employment and qualifications appropriate to the organizational category represented. Upon retirement, employment in a different capacity, or otherwise failure to maintain eligibility requirements, the member shall become ineligible to continue to serve and shall be replaced.

2. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, is unable to serve the full extent of the appointed term. Appointments to fill temporary vacancies shall be considered interim appointments. Interim appointments may be made by the superintendent of education or the BESE president.

3. Expenses. Members shall not be entitled to reimbursement for travel expenses.

4. Proxy. Any person serving on an advisory council who cannot attend a scheduled meeting may designate a person to attend as the member proxy, contingent upon the consent of the appointing authority, and the council chair shall be notified.

5. Quorum. Unless otherwise provided, a quorum is a simple majority of the total membership. In the absence of a quorum, the advisory council may take unofficial action, but minutes shall indicate that the recommendations are being presented without the required quorum. When known prior to an agenda being posted that a quorum is unlikely, the council chair shall be so notified and the meeting may be canceled.

6. Action/Quorum. Official commission action requires that matters submitted by motion are duly seconded.

The chair states the motion and calls for discussion and public comment. All official actions of the group shall require the favorable vote of a simple majority of the members present. Proxies are not included for the purpose of establishing a quorum.

7. Voting. All voting shall be by voice vote, except when taken by roll call vote or when a member requests that his/her vote be recorded in the official record. A roll call vote shall be taken on any motion if requested by the chair. Roll call votes shall be taken alphabetically, except that the presiding officer or chair shall have the option of voting last or may exercise the right to refrain from voting. Proxies do not retain voting privileges

8. Attendance Policy

a. Appointed members are expected to attend all scheduled meetings of an advisory body. Unless otherwise provided, if a member is unable to attend a meeting, a request for an excused absence should be submitted to the council chair or the LDE staff liaison one week prior to the meeting. A proxy may be named by the appointed member to serve for a total of three meetings. A commission member shall be removed and the seat declared vacant if the member is no longer a legal resident of Louisiana, fails to remain active in or is no longer employed by the appointing organization or agency represented, or misses more than two meetings, unless excused prior to the meeting by the commission chair.

b. The appointing authority for each member shall be notified immediately following each scheduled meeting indicating the unexcused absence of the appointee. The notification should include:

- i. name of commission member and commission on which serving;
- ii. date of the meeting; and
- iii. board policy on attendance.

E. Chair

1. The AEC shall have one chairperson and one vice-chair annually nominated and voted upon by the membership at the first convening meeting of the fiscal year.

2. The appointed chair shall preside at all meetings of the AEC, shall perform such duties as may be required by the commission, and shall be a voting member. The vice-chair shall serve in the absence of the chair.

F. Meetings

1. Advisory councils shall meet as scheduled in order to consider referrals from the board or the LDE. Special meetings shall be by direction of the board, and emergency meetings may be called at the discretion of the executive director and LDE.

2. Regular meeting dates shall be scheduled to convene one year in advance and shall be determined by the executive director, LDE, or a designee of either. The commission shall schedule meetings upon the call of the chairperson, but not less than once quarterly.

3. Agendas of regularly scheduled commission meetings shall be distributed to the members by the LDE staff at least seven calendar days in advance of a meeting. All meetings shall be conducted in accordance with Louisiana open meetings law R.S. 42:11 et seq. In the event that no items have been referred to an advisory council for consideration, there are no items pending on an advisory council agenda, and the LDE has no items to bring forward

to the advisory council at least 10 days prior to a scheduled meeting, the meeting shall be cancelled and the members shall be notified of the cancellation.

4. In accordance with R.S. 42:19, the agenda may be amended upon unanimous approval of the members present and subject to other provisions of the statute.

5. Except where listed herein, the business in advisory councils shall be conducted in accordance with *Robert's Rules of Order*.

6. Motions passed by an advisory council shall be made as a main motion and must be duly seconded. All motions must be voted upon and roll call votes may be requested by any of the membership in attendance at a meeting.

7. Requests from advisory councils for data or reports must be made in the form of a motion, requesting that the board direct the LDE or BESE staff to provide such information to the council making the request.

8. All meetings of advisory councils shall be considered official functions of the board to assist in the execution of board responsibilities and duties.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, 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, June 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 106—Agriculture Education Content Standards Curriculum Framework

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

The proposed revisions will not impact costs or savings to state or local governmental units. The proposed revisions codify the Agricultural Education Commission, an existing advisory group, to facilitate development of standard operating procedures that will promote efficiency and clarity.

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, SMALL BUSINESSES 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
2205#012

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

**Bulletin 111—The Louisiana School, District, and State
Accountability System—Advisory Councils
(LAC 28:XI.103)**

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:XI in *Bulletin 111—The Louisiana School, District, and State Accountability System*. The revisions codify the Accountability Council and provide for the membership structure and operating procedures of the council. The revisions establish and align advisory councils across all bulletins, in compliance with Louisiana Open Meetings Law and meeting procedures outlined in *Robert's Rules of Order*. The revision, part of an effort to codify all BESE advisory councils in policy, to include processes and procedures, will eliminate the need for bylaws for each individual council and standardizes operational guidelines.

**Title 28
EDUCATION**

Part XI. Accountability/Testing

**Subpart 1. Bulletin 111—The Louisiana School, District
and State Accountability System**

Chapter 1. General Provisions

**§103. Accountability Council (formerly Accountability
Commission)**

A. Functions. The function of an advisory council is to advise the board, directly or through its committees, in the discharge of policymaking, supervisory control, and budgetary duties and responsibilities. Specific functions of an advisory council are determined by the establishing statute or policy. Advisory councils deal exclusively with matters referred by the board or the LDE. Matters referred to advisory councils include external input regarding funding decisions, policy matters reviewed for local impact, bulletin revisions containing policies or supervisory controls, and matters particular to a council for which it was created. The LDE staff provides the board with a statewide and nationwide perspective on certain issues, while advisory councils respond from a local or community perspective.

B. Composition. Unless otherwise provided by state or federal law, each advisory council of the board is created by board policy. The policy determines the size of the council membership; the appointing authority; the persons,

organizations, affiliations, or interest groups to be represented on a council; and the length of term.

C. Accountability Advisory Council (Formerly the Accountability Commission) established:

1. authority-per BESE policy;
2. referrals and responsibilities:
 - a. advise the board regarding accountability issues and the state Every Student Succeeds Act (ESSA) Plan;
 - b. consider all matters referred by the board or the LDE; and
 - c. function as follows:
 - i. serve as the state Committee of Practitioners to conform to requirements in Title I of the Elementary and Secondary Education Act (ESEA) and to perform such duties of the committee to review, before publication, proposed or final State rule or regulation pursuant to Title 1;
 - ii. review rules and regulations that govern federal programs in Louisiana, noting that members shall be advised of substantial revisions in the federal programs supported through Louisiana's ESEA waiver; and
 - iii. advise the LDE on policy development of the state, district, and school accountability system;
 - d. the majority of the Accountability Advisory Council (AAC) membership must be representatives of local educational agencies and shall consist of no fewer than nineteen voting members, all subject to approval or ratification of the board, as follows:
 - i. BESE appointments:
 - (a). educator, nominated by BESE president;
 - (b). BESE member, nominated by BESE President;
 - (c). LEA Administrator, appointed by BESE from list provided by State Superintendent of Education;
 - (d). nonpublic school representative, nominated by BESE President;
 - (e). local educational agency representative, appointed by BESE from list provided by State Superintendent of Education;
 - (f). parent, nominated by BESE president;
 - (g). postsecondary education representative, appointed by BESE from list provided by State Superintendent of Education;
 - (h). school board member, nominated by BESE president;
 - (i). community representative, nominated by BESE president;
 - (j). community representative, nominated by BESE president;
 - ii. state superintendent of education appointments:
 - (a). educator;
 - (b). LEA administrator;
 - (c). charter school representative;
 - (d). district superintendent;
 - (e). pupil appraisal representative;
 - (f). principal representative;
 - iii. association nominations:
 - (a). Associated Professional Educators of Louisiana Representative, nominated by association leadership;
 - (b). Louisiana Association of Educators Representative, nominated by association leadership;