



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION
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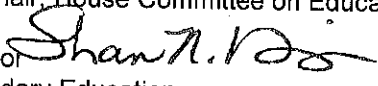
Shan N. Davis
Executive Director

Cade Brumley
State Superintendent

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 
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 1311-1313 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:ell

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

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#014

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 140—Louisiana Early Childhood Care and Education Network—Ready Start Network (LAC 28:CLXVII.309, 310, and 311)

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:CLXVII in *Bulletin 140—Louisiana Early Childhood Care and Education Network*. The aforementioned revisions update policy language reflecting the existence and purpose of Ready Start Networks, enable Ready Start Networks to become a fully established component of *Bulletin 140* and ensure their existence, beyond that of limited initiative, by solidifying these networks and the associated responsibilities as necessary components of Louisiana's early childhood care and education system.

**Title 28
EDUCATION**

Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network

Chapter 3. Early Childhood Care and Education Network

§309. Community Network Lead Agency

A. A community network lead agency is either a state agency, a local public school system, or a non-profit having an educational or social services mission, including but not limited to a nonprofit corporation of a philanthropic or policy nature, a Louisiana public postsecondary institution, or a nonprofit corporation established by the governing authority of a parish or municipality, that is approved by BESE and that:

1. serves as the fiscal agent of the community network;
2. coordinates the duties and responsibilities of the community network; and
3. acts as the liaison between the community network and the department.

B. - G.6.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2583 (December 2015), amended LR 48:

§310. Ready Start Network Lead Agency

A. A Ready Start Network lead agency is either a state agency, a local public school system, or a non-profit having

an educational or social services mission, including but not limited to a nonprofit corporation of a philanthropic or policy nature, a Louisiana public postsecondary institution, or a nonprofit corporation established by the governing authority of a parish or municipality, which is approved by BESE and that:

1. carries out the duties and responsibilities of the Ready Start Network;
2. acts as the liaison between the Ready Start Network and the department; and
3. is responsible for coordinating with the fiscal agent.

B. Duties and Responsibilities

1. The Ready Start Network lead agency shall be responsible for:

a. working with designated community network lead agencies in meeting the requirements of §307.B.1. Any such agreements will be memorialized in an MOU;

b. developing a coalition of local stakeholders that shall include representation from the community network and shall seek to include representation from partners such as parents, local government, non-profits, businesses, research and education entities, faith-based organizations, and/or philanthropic entities. A list of coalition members shall be submitted to the department annually;

c. establishing a Ready Start Network advisory council that advises the Ready Start Network lead agency, assists in establishment of by-laws and meeting protocols, and collaborates to develop and maintain a blueprint, which is a strategic document outlining the community network's current state, mission, vision, and goals. A list of the advisory council members and the blueprint shall be submitted to the department annually;

d. creating, maintaining, and updating a funding plan, which is a document that identifies the Ready Start Network's current funding sources and outlines the Ready Start Network's plans for seeking additional funding to support early care and education initiatives implemented at the local level. The funding plan shall be submitted to the department annually.

C. Selection and Approval

1. Ready Start Network lead agencies shall be approved by BESE.

2. The department shall identify potential Ready Start Network lead agencies through a competitive process and submit them to BESE for approval.

3. Applicants for Ready Start Network lead agency shall seek support from publicly-funded programs within its designated community network by obtaining signatures and submitting them to the department in the competitive process.

4. By June 30 of each year, the department shall recommend the identified Ready Start Network lead agencies to BESE for approval.

5. If BESE has not approved a lead agency for a particular Ready Start Network by July 1, that lead agency shall not be considered a Ready Start Network.

6. Ready Start Network lead agencies approved by BESE shall serve for the fiscal year beginning July 1 and ending June 30.

7. Ready Start Network lead agencies adhere to a renewal process with the department every two years.

D. Contracts

1. Ready Start Network lead agencies approved by BESE shall enter into a Ready Start Network lead agency agreement with the department.

2. The Ready Start Network lead agency may enter into a contract or agreement with an individual or entity for performance of specific tasks within the duties and responsibilities of the Ready Start Network lead agency, but the Ready Start Network lead agency remains responsible for satisfactory completion of the tasks.

E. Funding

1. Subject to available funding, the department will make recommendations to BESE for annual funding of Ready Start Network lead agencies to carry out the responsibilities included in §310.

a. Ready Start Network lead agencies shall be notified of the total Ready Start Network funding for the following fiscal year by June 30.

b. Ready Start Network lead agencies shall use funding solely to fulfill the duties and responsibilities specific to the Ready Start Network lead agency as provided in this bulletin.

F. Audit

1. BESE may request a financial audit of the Ready Start Network lead agency's use of funds allocated to it.

2. Audits shall be at the department's expense.

3. If a Ready Start Network lead agency improperly uses its allocated funds, the Ready Start Network lead agency may be required to repay the improperly used amount.

G. Termination of Ready Start Network Lead Agency Approval

1. If a Ready Start Network lead agency fails to satisfactorily and timely comply with the duties and responsibilities contained in this bulletin or with any additional duties and responsibilities established in writing during the competitive process, the department shall notify the Ready Start Network lead agency, and all publicly-funded programs within the community network, in writing and specify any corrective actions that may be required.

2. Within 30 calendar days of receiving such notice, the Ready Start Network lead agency shall submit in writing to the department certification that the corrective actions have been taken or are in the process of being taken and submit a timely implementation schedule for department approval.

3. If the Ready Start Network lead agency does not respond in writing in a timely or satisfactory manner or adhere to the implementation schedule approved by the department, either or both of the following actions may occur.

a. The department may withhold Ready Start Network funds from the Ready Start Network lead agency for any Ready Start Network work not yet performed.

b. The department may make a recommendation to BESE that the status of the Ready Start Network lead agency be terminated.

4. The department shall notify all publicly-funded programs in a Ready Start Network of any change in that Ready Start Network lead agency's status.

5. If a Ready Start Network lead agency's approval is terminated:

a. the entity shall be ineligible to serve as lead agency for the Ready Start Network from which its approval was terminated for a minimum period of 24 months;

b. if the entity serves as lead agency for more than one Ready Start Network, the entity may continue to serve as lead agency for any Ready Start Network for which approval has not been terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:407.23 et seq.

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

§311. Complaints

A. Any program or individual may submit a written complaint to the department regarding the action or inaction of the lead agency in its community network or Ready Start Network.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2584 (December 2015), amended 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? Yes.

3. Will the proposed Rule affect employment and workforce development? Yes.

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? Yes.

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 140—Louisiana Early Childhood Care and Education Network**

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

There may be increased state costs to provide funding to Ready Start Networks once existing federal funding is depleted; however, the point in time this may occur and costs are indeterminable. Additional state and federal funding will be sought to fund these networks. If additional funding cannot be secured, then funding allocations to Ready Start Networks may instead need to be reduced.

The proposed revisions update policy language reflecting the existence and purpose of Ready Start Networks, enable Ready Start Networks to become a fully established component of Bulletin 140 and ensure their existence, beyond that of limited initiative, by solidifying these networks and the

associated responsibilities as necessary components of Louisiana's early childhood care and education system.

Ready Start Networks are currently funded through a combination of Preschool Development Grant (PDG) grant funds, Child Care and Development Fund (CCDF) funds, and stimulus funds. The 37 current Ready Start Networks each receive \$100,000 annually as part of the pilot program. Over the course of the next fiscal year, as PDG funding runs out, additional funding in CCDF will be sought, with the possibility of seeking state general funding for Ready Start Network Allocations. It may also be necessary to reduce the funding allocated to Ready Start Networks.

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)

Ready Start Networks work to expand access to high-quality childcare options within community networks. Greater access to childcare will benefit employers and employees of local businesses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions may result in increased access to high quality childcare options within community networks. This may lead to increased job opportunities in childcare.

Beth Scioneaux
Deputy Superintendent
2205#015

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School
Administrators—Advisory Councils
(LAC 28: CXV.1319)

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: CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The aforementioned revisions establish and align advisory councils across all bulletins, in accordance with authorizing statute R.S. 17:253, 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 CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 13. Discipline

§1319. Advisory Council on Student Behavior and Discipline

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