

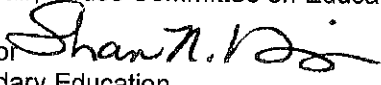


**STATE BOARD of ELEMENTARY and SECONDARY EDUCATION**  
P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064 · PHONE: 225-342-5840 · FAX: 225-342-5843

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 1300-1302 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

James Garvey  
1<sup>st</sup> BESE District

Kira Orange Jones  
2<sup>nd</sup> BESE District

Sandy Holloway  
3<sup>rd</sup> BESE District

Michael Melerine  
4<sup>th</sup> BESE District

Ashley Ellis  
5<sup>th</sup> BESE District

Ronnie Morris  
6<sup>th</sup> BESE District

Holly Boffy  
7<sup>th</sup> BESE District

Preston Castille  
8<sup>th</sup> BESE District

Belinda Davis  
Member-at-Large

Thomas Roque  
Member-at-Large

Doris Voltier  
Member-at-Large

Shan N. Davis  
Executive Director

Cade Brumley  
State Superintendent

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. 49:963.6, 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: BESE/8(g) Operations

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

The proposed revisions will not impact costs or savings to state or local governmental units. The proposed revisions codify the MFP Task Force, 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#021

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Board of Elementary and Secondary Education

BESE/8(g) Operations—Student Transfer Appeals  
(LAC 28:I.1313 and 1315)

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:I, BESE/8(g) Operations. The revisions codify procedures for compliance with Act 420, R.S. 17:4035.1 of the 2021 Regular Legislative Session. This statute requires each local education agency (LEA) to adopt a policy governing student transfers, post such policy on the LEA website, and to annually report compliance to the LDE Office of School System Relations. Further, this statute requires BESE to consider appeal requests from student transfer request denials. The revisions promulgate rules regarding the process and procedures for submitting an appeal to BESE.

#### Title 28

#### EDUCATION

#### Part I. BESE/8(g) Operations

#### Subpart 1. Board of Elementary and Secondary Education

#### Chapter 13. Regulatory Documents

#### Subchapter C. Student Transfer Appeals

#### §1313. Local Education Agency (LEA) Student Transfer Appeals

A. In accordance with R.S. 17:4035.1, if an LEA denies the student enrollment request of a prospective student for an intradistrict transfer, the parent or legal custodian of the student may request that BESE review the denied transfer request.

B. Requests for appeal shall be submitted by the parent or legal guardian, by certified, and addressed to:

Board of Elementary and Secondary Education  
Attn: Operating Manager  
P.O. Box 94064, Capital Station  
Baton Rouge, LA 70804

C. A copy of the form to request an appeal can be obtained:

1. from BESE's website;

2. by requesting a copy sent through the U.S. Mail; or
3. by means of facsimile.

D. Forms will be accepted annually, beginning April 1 and no later than July 31, unless the LEA transfer period extends beyond the deadline established in statute, and shall be accompanied by a copy of the LEA student transfer denial letter.

E. BESE will not consider a student transfer appeal in the following instances:

1. the student transfer request would result in the school or classroom exceeding enrollment capacity;
2. the student transfer request is submitted outside of the deadlines, outlined by the LEA policy regarding student transfer;
3. the student transfer request is not eligible based on the LEA transfer policy; or
4. the student transfer request violates the order of a court of competent jurisdiction.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 and 49:953 et seq.

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

**§1315. Processing a Student Transfer Form**

A. Upon receipt, the LEA student transfer request shall be reviewed for completeness. If found complete, the BESE agency will immediately forward a letter of acknowledgment and the appeal shall be processed in accordance with this Section.

B. Within 90 days of receipt of the student transfer appeal request, the executive director, after consulting with the board's officers, shall review and evaluate the request to determine if the original LEA transfer request was processed in accordance with school and/or district policy, as well as determine a recommendation for consideration of the board at the next scheduled meeting of BESE.

C. In the event that the executive director, after consulting with the board officers, can process the transfer request administratively, a report will be provided to the board at the next scheduled meeting.

D. BESE shall notify the petitioner in writing, stating the reason(s) for the denial,

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6 and 49:953 et seq.

**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: 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 Scioneaux  
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