



# STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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Member-at-Large

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Member-at-Large

June 12, 2023

## 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, 2023, Notice of Intent that was promulgated on pages 927-928 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, 2023, 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

Cade Brumley  
State Superintendent

- c: Lily Dugas, 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

that AP Computer Science A, Computer Science, and Computer Coding as a Foreign Language may be used as a foreign language credit beginning with students graduating during or after the 2026-2027 school year.

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 OR NONGOVERNMENTAL GROUPS (Summary)

No cost and/or economic benefit to directly affected persons, small business, or non-governmental groups is anticipated as a result of this rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will not have an effect on competition and employment.

Beth Scjoneaux  
Deputy Superintendent  
2305#032

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Mentor Teacher Waiver (LAC 28:CXXXI.553)

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*. The aforementioned revision extends the mentor teacher waiver regarding the placement of undergraduate residents and post-baccalaureate candidates with credentialed mentor teachers for the 2023-2024 school year.

#### Title 28

#### EDUCATION

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

#### Chapter 5. Teaching Credentials, Licenses and Certifications

#### Subchapter C. Ancillary Teaching Certificates

#### §553. Mentor Teacher (MT) Ancillary Certificate

A. - F.2. ...

G. For the 2020-2021, 2021-2022, 2022-2023, and 2023-2024 school years, the requirement that all undergraduate residents and post-baccalaureate candidates be placed with mentor teachers holding the ancillary mentor teacher certificate, the ancillary provisional mentor teacher certificate, or the Supervisor of Student Teaching certificate, is waived with the following contingencies:

1. - 2.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:230 (February 2019), LR 48:442 (March 2022), repromulgated LR 48:1046 (April 2022), LR 48:2099 (August 2022), LR:49

#### 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 effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on 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, 2023, 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: Mentor Teacher Waiver

#### 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:CXXXI in Bulletin 746—*Louisiana Standards for State Certification of School Personnel*. The proposed rule change extends the mentor teacher waiver for the 2023-2024 school year to address the ongoing lack of credentialed mentor teachers in specific content areas and geographic regions. Waivers are granted by the Department of Education (LDOE) on a case-by-case basis at the recommendation of the principal of the mentor teacher in order to provide professional guidance and supervision to undergraduate residents and post-baccalaureate candidates.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of local governmental units due to the proposed rule changes.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Mentor teachers receive a stipend of \$2,000 for serving as the assigned mentor of record, responsible for supporting an undergraduate or post-baccalaureate resident teacher in level 4 of the MFP formula. Teachers who may not otherwise qualify to serve as mentor teachers may be qualified to serve under the proposed revision, thereby resulting in eligibility to receive the mentor stipend. The extent to which additional mentors will be required is indeterminable. Currently, 2,679 credentialed mentors exist statewide, and while the 2022-2023 need for mentors is estimated at 1,209, availability based on grade level, subject area, and geographic location of the resident teachers is unknown, necessitating the continuation of the waiver.

#### 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  
2305#033

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

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

Incorporation by Reference of Certain Federal  
Air Quality Regulations (LAC 33:III.3101)(AQ394ft)

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 Air regulations, LAC 33:III.3101 (Log #AQ394ft).

This Rule is identical to federal regulations found in 40 CFR Part 62, Subpart OOO, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:963.A(2) and (3).

The proposed Rule incorporates by reference (IBR) the corresponding federal regulations included in 40 CFR Part 62, Subpart OOO, May 21, 2021, into the Louisiana Administrative Code (LAC), Title 33, Part III, Air. Exceptions to the IBR are explicitly listed in the proposed Rule.

On May 21, 2021, the Environmental Protection Agency (EPA) issued 40 CFR Part 62, Subpart OOO - Federal Plan Requirements for Municipal Solid Waste Landfills that commenced construction on or before July 17, 2014 and have not been modified or reconstructed since July 17, 2014.

In order for Louisiana to maintain equivalency with federal regulations, the most current Code of Federal Regulations must be adopted into the Louisiana Administrative Code. This rulemaking is necessary to maintain delegation, authorization, etc. granted to Louisiana by the EPA. The basis and rationale for this proposed Rule are to mirror the federal regulations as they apply to Louisiana's affected sources. 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 III. Air

#### Chapter 31. Incorporation of Federal Plans for Designated Facilities and Pollutants

#### Subchapter A. Incorporation by Reference

#### §3101. Incorporation by Reference of 40 CFR Part 62, Subpart OOO (Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014)

A. Federal plan requirements published in the *Code of Federal Regulations* at 40 CFR 62, Subpart OOO, May 21,