



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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June 10, 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: Kimberly Tripeaux, Interim 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, 2024, Notice of Intent that was promulgated on pages 705-707 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, 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.

KT:ell

Attachment (1)

c: Caroline Tyler, 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
Kimberly Tripeaux, Interim Executive Director, BESE
Kevin Calbert, Communications Manager, BESE

Kimberly Tripeaux
Interim Executive Director

Dr. Cade Brumley
State Superintendent

initial dose of a medication to be administered by the student's parent/guardian outside a school's jurisdiction with sufficient time for observation for adverse reactions. The proposed change allows for an exemption to this policy for emergency medications.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

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

There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2405#036

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Work-Based Learning (LAC 28: CXV.3113 and 3703)

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 proposed revisions address key areas regarding work-based learning to include the following: expands definition of work-based learning to include experiences such as Registered Apprenticeships; outlines the requirements of teacher certification; and clarifies the required classroom experience and on-the-job training (OJT) components.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 31. Career and Technical Education (CTE)

§3113. Work-Based Learning

A. Work-based learning programs provide opportunities for CTE students to receive on-the-job training and related classroom instruction in all CTE program areas, including activities in which the school system employs students. Where the employing party is the school or school system, the work-based activities must not occur at their own school and the agreement shall be subject to the approval of LDOE. The following are types of work-based learning:

1. Cooperative education features an agreement between schools and employers to provide paid on-the-job training that relates to the areas of technical study in school and is based on objectives jointly developed by the school and the employer.

2. Internships are work-based activities where students work with an employer for a specified period of time to learn about a particular occupation or industry. The workplace activities involved with an internship could include special projects, a sample of tasks from different jobs, or tasks from a single occupation. An internship agreement is set up prior to the experience and outlines the expected objectives to be accomplished by the student. This must include financial compensation.

3. Structured On-the-Job Training (OJT) as part of a Registered Apprenticeship.

a. The OJT is the employment and hands-on experience portion of the program. The apprentice must receive full-time employment, with close mentorship from a subject matter expert or journey worker in the field. At least one journey worker must be present and supervising for every apprentice in the program at all times.

b. Only Registered Apprenticeships recognized by the Louisiana Workforce Commission (LWC) meet the requirements for Structured On-the-Job Training. Pre-Apprenticeships and Youth Apprenticeships are excluded.

B. Students must be scheduled into a work-based learning course code. OJT must comply with Louisiana state laws and can occur outside of the scheduled school day. Related classroom instruction can occur in a virtual setting.

C. Repealed.

D. A work-based learning teacher shall hold:

1. a valid CTTE certificate or agriculture certification; or

2. a valid level 2 Louisiana teaching certificate and at least three years of work experience other than classroom instruction; or

3. a valid level 2 Louisiana teaching certificate and completion of a work-based learning workshop by an approved provider.

E. Scheduling Work-Based Learning

1. Cooperative education programs shall incorporate classroom instruction and on-the-job training. The classroom phase shall include a total of five hours each week of CTE related classroom instruction. The on-the-job training phase shall include a minimum of 15 hours of on-the-job training per week for the timeframe in which the student is enrolled in the cooperative education program. Program shall be a minimum of one semester for schools on block schedule or one school year. Teacher-coordinators shall be scheduled for classroom instruction and on-the-job supervision. Teacher-coordinators shall be scheduled for one cooperative education supervision period for up to 45 students. Teacher-coordinators with more than 45 students shall be scheduled for two cooperative education supervision periods.

2. Internships shall incorporate classroom instruction and on-the-job training. The classroom phase shall occur a minimum of once per week throughout the course. The classroom instruction and on-the-job training phase shall be a minimum of 7,965 minutes for one Carnegie unit. A student must complete a minimum of 106.2 hours of OJT with an employer in addition to 26.55 hours of classroom instruction. The classroom instruction shall count as no more than 20 percent of the instructional minutes of the total Carnegie unit. Teacher-coordinators shall be scheduled for classroom instruction and on-the-job supervision.

3. Structured OJT as part of a Registered Apprenticeship shall meet all requirements as set forth by LWC. Students should be registered into the appropriate apprenticeship registry.

4. Work-based learning must be documented in the student's Individual Graduation Plan (IGP). Work-based learning should align to the student's career interests. Every effort should be made to place a student at a worksite aligned to the student's career interest or aligned to regional workforce demand.

5. The classroom instruction shall include instruction in, at minimum, career navigation, financial literacy, and workplace behavioral competencies. Workplace and professional behavior competencies include communication, teamwork, leadership, and problem solving.

F. - F.1. Repealed.

G. Teacher-Coordinator for Work-Based Learning

1. The school system shall assign a work-based learning teacher-coordinator or set of teach-coordinator co-teachers to conduct the classroom instruction and monitor the OJT.

2. The school system and the employer shall cooperatively complete a training memorandum for both the classroom phase and the OJT phase. The training memorandum and a list of skill competencies shall be prepared for each student. The list of competencies shall include skills and knowledge to be learned in the classroom and skills to be learned through OJT. The school system and employers must discuss risk management in the training memorandum.

3. The student must have a valid employment certificate. The worksite must be in accordance with R.S. 23:211 et seq.

4. Each teacher-coordinator for work-based programs must maintain documentation of the employment certificate, training memorandum, skill competencies attained by each student, and employer evaluation. These documents must be readily available for monitoring.

5. The teacher-coordinator shall visit each student on the job to observe the student at work, to confer with the employer, and to obtain an evaluation of the student's progress at least four times during the school year or semester or two times during summer months in which the student is employed as part of a work based learning program.

6. The teacher-coordinator shall consult with the employer regarding labor laws for the industry and shall inform the student and parent or legal guardian of labor laws as they apply to minors engaged in work-based learning.

7. Orientation and pre-employment training, as well as safety training, shall be provided for each student prior to the student's placement with a program training sponsor (employer). The final decision of student placement into a work-based learning worksite is at the discretion of the employer.

8. It is recommended that funding for extended employment beyond the school year be provided for each teacher-coordinator.

9. The program training sponsor (employer) shall document and submit to the school system an evaluation of each student's on-the-job performance for each grading period.

10. The teacher-coordinator shall be responsible for determining the student's grade.

H. Work-Based Learning Students

1. Students shall be placed in appropriate training stations within four weeks of the start of the work-based learning program. Students not placed shall be rescheduled into non-work-based learning courses.

2. ...

3. Repealed

4. Students in work-based learning programs shall meet legal age requirements for work.

4.a. - 5. Repealed.

6. Work-based education students must successfully complete both the classroom and the on-the-job training phase to receive credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1310 (June 2005), amended LR 33:280 (February 2007), LR 39:2228 (August 2013), LR 43:2134 (November 2017), LR 50:

Chapter 37. Glossary

§3703. Definitions

Cooperative Education—programs that provide opportunities for career and technical education students to receive on-the-job training and related classroom instruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1316 (June 2005), amended LR 39:2231 (August 2013), LR 46:1673 (December 2020), amended LR 48:34 (January 2022), LR 49:648 (April 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? 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? 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 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, 2024, to Kimberly Tripeaux, Interim 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.

Kimberly Tripeaux
Interim Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Work-Based Learning

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. The change addresses key areas regarding work-based

learning and includes the following: expands the definition of work-based learning to include experiences such as Registered Apprenticeships; outlines the requirements of teacher certification; and clarifies the required classroom experience and on-the-job training (OJT) components. Age requirements and minimum wage laws apply to any OJT positions. Students must be 14 years old to be legally employed and those under 16 years of age may only work outside of school hours. Students are to be paid the state minimum wage of \$7.25 or better. Communication with the Louisiana Workforce Commission, Career and Technical Education supervisors, and professionals in business and industry prompted the work to revise work-based learning policy for increased relevance and impact.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

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

The proposed rule change may result in economic benefits for students participating in work-based learning and for employers hiring students for work-based learning. This type of learning could also lead to employment after graduation that may offer better opportunities for students than they otherwise would have had.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may help to ameliorate Louisiana's workforce issues by decreasing the unemployment rate and increasing the labor force participation rate.

Beth Scioneaux
Deputy Superintendent
2405#035

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—Mentor Teachers
(LAC 28:CXXXI.515, 553, and 1369)

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 proposed revisions, based on data obtained through an analysis of mentor and resident data for the 2023-2024 school year, allow the LDOE to continue granting case-by-case waivers of policy that requires all undergraduate residents and post-baccalaureate candidates be placed with mentor teachers holding the Mentor Teacher certificate or the Ancillary Provisional Mentor Teacher certificate. As with past waivers, educators who are highly recommended by the mentor's principal and who possess one or more of the specified qualifications could be awarded the waiver to serve as a mentor. The criteria include: two years of highly effective evaluations; National Board Certification; Statewide or national distinction for excellence in teaching; Experience as a TAP mentor, master teacher, executive master teacher, or certified TAP evaluator; Content