



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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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 707-709 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

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 GOVERNMENTAL 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
2407#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

leader experience, as evidenced by participation in content leader training or redelivery of professional development; or Master's or doctorate degree in education and exemplary experience hosting student teachers/residents. In addition to the above requirements, an individual mutually agreed upon by the school system and the teacher preparation program provider could serve as a mentor for up to two years, using the above waiver.

**Title 28
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for
State Certification of School Personnel
Chapter 5. Teacher Credentials, Licenses, and
Certifications**

Subchapter A. Standard Teaching Certificates

§515. Practitioner Licenses

A. - A.2. ...

3. Practitioner Licenses 1-3. Beginning with the 2020-2021 academic year, in order to obtain the first renewal only of a practitioner license 1, 2, or 3 certificate, practitioner candidates participating in a residency as a teacher of record, must receive mentorship by a school system-based mentor teacher who may collaborate with other personnel providing mentoring support, in accordance with LAC 28:XLV (Bulletin 996).

a. The school system-based mentor teacher must be credentialed in accordance with §553 or §1369 of this Chapter.

A.3.b. - D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:8.1 – 8.2 and R.S. 17:6, 17:7(6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:433 (March 2022), repromulgated LR 48:1037 (April 2022), LR 48:2555 (October 2022), LR 49:39 (January 2023), LR 50:26 (January 2024), LR 50:

Subchapter C. Ancillary Teaching Certificates

§553. Mentor Teacher (MT) Ancillary Certificate

A. ...

B. Provisional MT Certification. Individuals serving as mentors who have not successfully completed a BESE-approved mentor training program or mentor assessments will be issued a nonrenewable provisional mentor teacher ancillary certificate, valid for a period of two years from the date of issuance while the holder completes a BESE-approved mentor training program or mentor assessments.

C. - E.9. ...

10. Individuals who currently hold Louisiana Educator Evaluator certification may apply for the certification, which makes the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents.

F. - F.2. ...

G. The requirement that all undergraduate residents and post-baccalaureate candidates be placed with mentor teachers holding the mentor teacher certification or the ancillary provisional mentor teacher certificate, may be waived with the following contingencies:

1. Mentor teacher waivers will be granted on an annual case-by-case basis through the application process established by the LDOE and at no fee to the applicant, school system, or teacher preparation provider;

2. The waiver will be issued by the LDOE for educators highly recommended by the mentor's principal and who possess one or more of the following qualifications:

a. two years of highly effective evaluations;

b. - f. ...

3. An individual mutually agreed upon by the LEA and the teacher preparation program provider who does not meet one of the waiver criteria listed in this Subsection may be approved for the waiver for a period of not more than two years.

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), amended LR 48:2099 (August 2022), LR 49:1375 (August 2023), LR 50:

§1369. Mentor Teacher

A. - G. ...

H. Individuals who currently hold Louisiana Educator Evaluator certification may apply for the mentor certification, which makes the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:465 (March 2022), repromulgated LR 48:1074 (April 2022), 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 746—Louisiana Standards for State Certification of School Personnel—Mentor Teachers

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 rule change enhances the flexibility provided to educator preparation programs in the identification of high-quality mentors for educator candidates. While obtaining the mentor certification is still the most objective method of certifying a standard level of competency among potential mentor teachers, the proposed waiver provision accounts for geographic and subject-area specifications needed to best support educator candidates. While there has been an increase

in the number of credentialed mentors in Louisiana, stakeholder engagement has revealed a need for continued and ongoing flexibility with resident placement. In the 2023-2024 school year, there are approximately 1,800 more credentialed mentors than the number needed; however, gaps in specific content areas and geographic regions continue to present placement barriers without a waiver provision.

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)

The proposed rule change may positively impact employment by supporting geographic flexibility in mentor placement.

Beth Scioneaux
Deputy Superintendent
2405#034

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1903—Louisiana Handbook for Students with Dyslexia—General Provisions (LAC 28:XXXV.Chapter 1)

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:XXXV in *Bulletin 1903—Louisiana Handbook for Students with Dyslexia*. The proposed revisions, developed in response to Act 266 of the 2023 Regular Legislative Session, set forth the following: update terms and definitions; add team member trained in identification of dyslexia during screening, assessment, and intervention planning; identify information and skilled staff to be included when reviewing a student case; clarify refusal to SBLC or pupil appraisal and required parent notification; and outline criteria for multisensory structured language and literacy programs.

Title 28 EDUCATION

Part XXXV. Bulletin 1903—Louisiana Handbook for Students with Dyslexia

Chapter 1. General Provisions

§101. Definitions

Accommodation—strategies, tools, or adjustments to the educational environment that facilitate equal access to instruction and instructional content for students with disabilities. Accommodations do not alter the rigor, expectations, requirements, or content of the curriculum, learning task, or assessment measures.

Assessment—the act or systematic process of using a wide variety of methods or tools to evaluate, measure, and document the academic readiness, learning progress, skill