



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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March 12, 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: 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 February 20, 2024, Notice of Intent that was promulgated on pages 265-267 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 May 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.

SND: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
Shan N. Davis, Executive Director, BESE
Kevin Calbert, Communications Manager, BESE

Shan N. Davis
Executive Director

Dr. Cade Brumley
State Superintendent

Notices of Intent

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools
Governance and Processes
(LAC 28:CXXXIX.515, 2103, 2501, 4001, and 4003)

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:CXXXIX in *Bulletin 126—Charter Schools*. The aforementioned change modifies the application process to reduce duplicative efforts, requires charter board governance training, reduces from seven to four years the time in which business professional qualifications must be obtained, further outlines autonomy, and includes items regarding display of the national motto and completion of numeracy skills coursework in compliance with state laws.

Title 28 EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 5. Application and Approval Process for BESE-Authorized Charter Schools

§515. Application Components for BESE-Authorized Charter Schools

A. - D.2. ...

3. admission requirements, if any, that are consistent with the school's role, scope, and mission may be established in accordance with that permitted in R.S. 17:3991 and this bulletin;

4. - 7. ...

8. evidence of community engagement throughout the development of the charter application;

9. ...

10. - 12. Repealed

13. evidence that the curriculum meets Louisiana grade progression and ultimately graduation requirements and sets students up to master Louisiana state standards;

14. the school's plans for identifying and successfully serving students with disabilities, English language learners, students who are academically behind, and gifted and talented students, as applicable, in order to comply with applicable laws and regulations;

15. school rules, regulations, and disciplinary practices consistent with the requirements of R.S. 17:252 and that provides adequate due process;

16. - 20. Repealed.

21. ...

22. - 25. Repealed.

26. ...

27. explanations of any partnerships or contractual relationships central to the school's operations or mission, particularly education service providers;

28. ...

29. procedures for parents and staff to file complaints and for the charter to respond;

30. Repealed.

31. - 34. ...

35. - 36. Repealed.

37. ...

38. - 40. Repealed.

41. ...

42. - 46. Repealed.

47. - 49. ...

50. - 51. Repealed.

52. ...

53. - 54. Repealed.

E. - H.13 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:3981, and 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1362 (July 2008), amended LR 37:869 (March 2011), LR 37:2383 (August 2011), LR 38:38 (January 2012), LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), amended LR 38:1583 (July 2012), LR 38:3118 (December 2012), LR 39:1432 (June 2013), LR 43:2477 (December 2017), LR 44:233 (February 2018), LR 44:2130 (December 2018), LR 47:572 (May 2021), amended LR 50:

Chapter 21. Charter School Governance

§2103. Board Member Responsibilities

A. - G. ...

H. Beginning August 1, 2024, each president of a BESE-authorized charter board shall participate in at least one hour of board governance, special education, and financial management training coordinated by LDOE within one year of assuming the role of board president.

I. Beginning June 1, 2025, each new member of the board of directors of a BESE-authorized charter operator shall participate in at least one hour of board governance, special education, and financial management training coordinated by LDOE within one year of appointment to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1370 (July 2008), amended LR 37:874 (March 2011), amended LR 50:

Chapter 25. Charter School Fiscal Responsibilities

§2501. Qualified and Competent Business Professional

A. - C. ...

D. All qualified and competent business professionals must acquire Certified Louisiana School Business Administrator (CLSBA) certification or Certified Louisiana Charter School Business Administrator (CLCSBA) certification by the Louisiana Association of School Business Officials (LASBO) within four years of the first date of hire as a qualified and competent business professional by any BESE-authorized charter school and maintain certification while employed as a qualified and competent business professional. A Louisiana CPA license may be substituted for the CLSBA certification. The CPA

license must remain in active status while employed as a qualified and competent business professional.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1372 (July 2008), amended LR 38:3120 (December 2012), LR 39:1437 (June 2013), LR 39:3068 (November 2013), LR 44:241 (February 2018), amended LR 50:

Chapter 40. Charter School Autonomy

§4001. Applicability of State and Local Rules and Regulations

A. - A.16. ...

B. Unless otherwise mutually agreed upon by a charter school and authorizer, the charter school shall have complete autonomy over school operation in compliance with all applicable federal, state, and local laws and regulations. Unless otherwise stated in the charter contract, areas of school autonomy shall include but not be limited to the following:

1. school programming, instruction, curriculum, materials, texts, calendars, and schedules;
2. personnel, employment, salaries and benefits, educator certification and evaluation, performance management, participation in retirement planning and collective bargaining;
3. budgeting, purchasing, procurement, contracts, food service, and management of transportation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), amended LR 50:

§4003. Applicability of State Laws

A. - A.48. ...

49. display of the national motto in each classroom in each school under its jurisdiction, R.S. 17:262;

50. completion of approved numeracy skills course in accordance with LAC 28: CXV.511, R.S. 17:24.13;

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), amended LR 48:1269 (May 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? 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 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, March 11, 2024, 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: Governance and Processes**

- 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 modifies the charter school application process for increased efficiency, requires charter board governance training coordinated by the Louisiana Department of Education (LDOE), modifies the timeline for completion of business professional qualifications, and addresses autonomy and applicability of state laws.
- 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, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
There are no anticipated costs and/or economic benefits to directly affected persons, small businesses, or nongovernmental groups. The governance training coordinated by LDOE will be offered at no charge to charter board members, although other options for completion of the training may be available for a cost.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no anticipated impacts on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2402#046

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel
Third Party Entity Evaluation Process
(LAC 28: CXLVII.101 and 104)

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:CXLVII in *Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel*. Pursuant to Act 63 of the 2023 Regular Legislative Session regarding educator credentials, the proposed revisions define the process and requirements for approval as a third-party entity (TPE) that is authorized to evaluate educators contracted to public school systems. Successful evaluation is required for the purposes of issuance and renewal of educator certification. The revisions

detail the observation, evaluation process instrument, and rubric and scale used to determine a final evaluation score/rating.

**Title 28
EDUCATION**

Part CXLVII. Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel

Chapter I. Overview

§101. Guidelines of the Program

A. Each LEA must develop a uniform system for the annual evaluation of certified and other professional personnel.

B. - C. ...

D. An entity may be considered for BESE approval to conduct educator evaluations for the purposes of certification issuance, renewal, or advancement when the teacher provides instruction in a public school but is not employed by the local governing authority. The entity is required to utilize a uniform system for the annual evaluation of certified personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:10.1, 17:391.10, R.S. 17:3881-3886, 17:3901-3904, and R.S. 17:3997.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2250 (October 2010), amended LR 38:1214 (May 2012), LR 45:233 (February 2019), LR 50:

§104. Third Party Entity Evaluation Programs

A. Third Party Entity is defined as an entity that employs a teacher who provides instruction in a public school but is not employed by the public school governing authority.

B. When the employer is a BESE-approved third party entity, the evaluation shall be completed by the employer or the designee.

C. The LDOE shall develop a process and criteria for review of third party entity applicants prior to making a recommendation for BESE approval and shall notify BESE of any revisions.

1. A third party entity seeking BESE approval shall submit proposed evaluation tools to the LDOE for review according to the established process and timeline.

2. The evaluation process instrument shall include an observation tool, measure of student achievement or other evidence of student success, an evaluation rubric, an evaluation scale, and assignment of final score or rating.

3. The entity may use the LDOE adopted rubric and student growth measures.

D. BESE approval shall remain valid contingent upon continued compliance with the provisions of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:10.1, 17:391.10, 17:3881-3886, 17:3901-3904, and 17:3997.

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