



# 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 267-268 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

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 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 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 1. 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,

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: Third Party Entity Evaluation Process

#### 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 changes 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.

#### 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 or economic benefits to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule change.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Educators who may have been unable to renew certification due to an inability to receive evaluations will be able to receive evaluations and maintain status as certified Louisiana educators.

Beth Scioneaux  
Deputy Superintendent  
2402#049

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—Educator Credentials (LAC 28:CXXXI.Chapter 3, Chapter 5, Chapter 7, Chapter 11, Chapter 13, Chapter 15, Chapter 17, Chapter 21, Chapter 23, and Chapter 25)

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 revisions make various