



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 293-295 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

amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.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: **Special Education** Corrective Action Plans

- 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 proposed rule change facilitates the process by which the Louisiana Department of Education (LDOE) may approve, when necessary, a special consultant to collaborate with a Local Education Agency (LEA) for development and implementation of an intensive corrective action plan.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated effect on 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 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)
There are no anticipated impacts on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2402#047

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Dyslexia Screening
(LAC 28: CXV.1123) and (LAC 28: XXXV.109)

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* and

LAC 28:XXXV in Bulletin 1903—*Louisiana Handbook for Students with Dyslexia*. The proposed revisions establish policy in response to Act 266 of the 2023 Regular Legislative Session, which requires school systems to screen all kindergarten students for dyslexia and students in other grades upon request, reporting related data to the Louisiana Department of Education (LDOE).

**Title 28
EDUCATION**

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 11. Student Services

§1123. Educational Screening and Evaluation

A. - G. ...

H. The LDOE-selected dyslexia screener shall be administered by a classroom teacher to each student in the second half of kindergarten and to a student at any grade level upon request of a teacher, parent, or legal guardian, to determine whether a student is at risk for dyslexia.

1. If the results of such screening indicate that a student is at risk for dyslexia, the parent or guardian shall be notified of the results of the screening within thirty days.

2. Each public school governing authority shall annually submit a report to the LDOE by December fifteenth that shall include:

a. the number of students at each grade level who are identified as having dyslexia.

b. For students with a Section 504 Plan identified as having dyslexia, the number shall include the number initially identified during the preceding school year and the total number by grade level.

c. For students with an IEP identified as having a specific learning disability - dyslexia, the number shall include the number initially identified during the preceding school year and the total number by grade level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11) and R.S. 17:392.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1277 (June 2005), amended LR 39:2208 (August 2013), LR 50:

**Title 28
EDUCATION**

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

Chapter 1. General Provisions

§109. Screening Requirements

A. - F. ...

G. A third grade student who does not score above the lowest achievement level on the literacy screener after three attempts and who is promoted to fourth grade for good cause in accordance with LAC 28:XXXIX.701. (*Bulletin 1566*) shall be screened for dyslexia.

H. The LDOE-selected dyslexia screener shall be administered by a classroom teacher to each student in the second half of kindergarten and to a student at any grade level upon request of a teacher, parent, or legal guardian, in accordance with LAC 28: CXV.1123. (*Bulletin 741*).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:392.1 and 392.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:724 (June 2021), repromulgated LR 47:1288 (September 2021), amended 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: Dyslexia Screening**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No costs are anticipated for local governmental units as a result of the proposed rule revision. School personnel will need to administer the dyslexia screener, which could result in an indeterminable increase in time spent by school-level evaluators. The screener is to be provided by the Louisiana Department of Education (LDOE) at no cost to school systems.

The fiscal note for Act 266 of the 2023 Regular Session, which enacted this requirement, estimated the total cost to implement a dyslexia screener to be \$120,000 in FY 24 and, at a minimum, \$355,000 beginning in FY 25. These estimates were based on information provided by LDOE regarding the costs of the screener (\$1.30 per student at the 10/01/22 kindergarten student count of 56,581), the costs of training courses for teachers administering the screener (\$85,900), and the costs of support materials for the chosen screener (\$75,905). Additional projected expenditures included those associated with the hiring of an additional Education Program Consultant 3 (EPC 3) to manage communications, implementation, training coordination, and reporting requirements associated with the dyslexia screening program (\$72,000 salary, \$32,404.50 related benefits, \$15,089 operating expenses) beginning in FY 24.

The department has lowered expenditure estimates as implementation of the dyslexia screening program has moved forward. LDOE has determined the hiring of an additional EPC 3 is no longer necessary. Additionally, after discussions with the screener provider, the total cost for training, inclusive of any necessary support materials, is significantly lower than estimated. For the first two-year period, training will be between \$14,500 and \$18,000, dependent on the specific training program selected. The training program can then be renewed for an additional two-year period at a cost of \$2 per teacher. Taking into account the most recent kindergarten student count (48,798 as of 10/01/23) along with these changes, the new estimated minimum cost to implement the dyslexia screener in FY 25 is \$77,900. Total costs may be higher depending on the number of non-kindergarten students for whom screening is requested and the number of non-kindergarten teachers who need training.

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

There is no anticipated effect on 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 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)

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

Beth Scioneaux
Deputy Superintendent
2402#043

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Honorary Diplomas
(LAC 28:I.1501)

In accordance with the provision 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 (BESE) proposes to amend LAC 28:I. in *BESE/8g Operations*. The proposed revision is in response to House Resolution 256 of the 2023 Regular Legislative Session that requested BESE, in collaboration with the Louisiana Department of Education (LDOE), to develop policy related to the issuance of posthumous high school diplomas to deceased high school students.

**TITLE 28
EDUCATION**

Part I. BESE/8(g) Operations

Chapter 15. Honors and/or Special Recognitions

§1501. Honorary Diplomas

A. - A.4. . . .

B. Beginning with the 2023-2024 school year, all secondary public schools may posthumously issue honorary diplomas to deceased students who passed away while enrolled in a current high school cohort. On behalf of the student, the parent or legal guardian of the deceased student shall request the posthumous diploma from the Local Education Agency (LEA) during the school year in which the student cohort is scheduled to graduate.

1. For purposes of this Section, a *cohort* is defined as all students who entered ninth grade for the first time in the state of Louisiana in a given academic year.

2. The student must have been enrolled and in good standing with the school at the time of the student's death.

3. The deceased student must not have been convicted of a felony before the student's death.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:1273 (July 2015), amended LR 50: